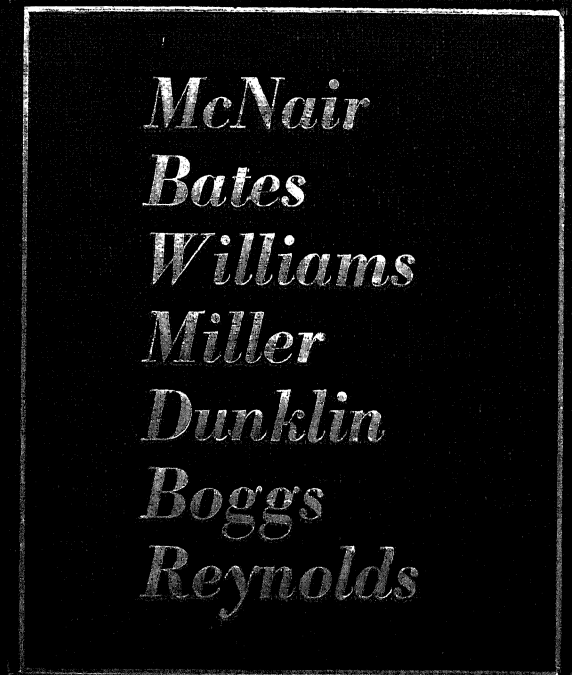
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The Messages and Proclamations

OF THE

Governors

OF THE

STATE of MISSOURI

COMPILED AND EDITED BY

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and

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VOLUME I

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PREFACE

The publication of the Messages and Proclamations of the Governors of the State of Missouri was authorized by the Fifty-first General Assembly making an appropriation to the State Historical Society. The documentary material included in these volumes has been compiled and published by the State Historical Society in pursuance to this authorization. The apropheation made by the Fifty-first General Assembly permitted the publication of three volumes, which include the messages and proclamations of Missouri governors from 1820 to 1864.

This compilation contains five classes of documents:

I. Regular Messages, which include (a) Inaugural Addresses, (b) Annual (Governor McNair) and Biennial Messages, and (c) Messages communicated at the opening of Special Sessions.

II. Veto Messages.

III. Special Messages.

IV. Proclamations.

V. Memoranda of Proclamations and Writs of Election.

Approval messages are not included unless they contain comments made by the governor. The several governors are named in their proper chronological order, and the documents of each governor are arranged according to the foregoing classification. Within each class the documents are arranged in chronological order.

The source from which each document has been taken for this compilation is clearly indicated in each case. This is necessary since many of the documents may be found in more than one source. In selecting sources, reliance has been placed first of all on official publications and original manuscripts. Resort to unofficial sources, such as newspapers, has been had only when the materials were not dis-

covered in the original manuscript or in official publications. The several documents have been reprinted or transcribed literally from the sources indicated. This will account for the lack of uniformity in punctuation, capitalization, and spelling, and also for some manifest errors in the text.

It is hardly probable that all of the materials which properly belong in this compilation have been discovered. Some of the proclamations of the earlier governors have not been found either in the public archives or in the newspapers of the day. Time will doubtless reveal the omissions; and the publication of what has been gathered will aid in bringing to light the missing documents.

For a better appreciation of the messages, a biographical sketch of each governor has been inserted before the documents of his administration. The State Historical Society is under obligation to the contributors of these sketches, and the editors acknowledge with thanks this public spirited co-operation.

The State Historical Society also acknowledges with thanks the invaluable assistance of Mr. A. J. Menteer, librarian, Missouri State Library, Jefferson City, and Mr. Gamble Jordan, librarian, St. Louis Law Library Association, St. Louis, for their generous loan of early Missouri legislative journals of which photostat copies were made for use in this compilation. To Hon. Charles U. Becker, Secretary of State, Jefferson City, and his office staff, appreciation is due for their fine co-operation in making available for this work the valuable archives and records in their department.

The entire staff of the State Historical Society has had much to do in making this publication successful. Special mention is due Miss Grace L. Gilmore, who succeeded Miss Buel Leopard in the State Historical Society in June, 1922. The final preparation of copy for the printer was largely the work of Mr. J. Willard Ridings of the State Historical Society.

This volume of the "Messages and Proclamations of the Governors of the State of Missouri" includes the messages

and proclamations of Alexander McNair (1820-1824), Frederick Bates (1824-1825), Abraham J. Williams (1825-1826), John Miller (1826-1832), Daniel Dunklin (1832-1836), Lilburn W. Boggs (1836-1840), and Thomas Reynolds (1840-1844).

It is interesting to note that two of these seven men who served the State as its chief executives, Governor Frederick Bates and Governor Thomas Reynolds, died while in office and another, Governor Daniel Dunklin, resigned before the expiration of his term. On the death of Governor Bates, the president *pro tempore* of the Senate, Abraham J. Williams, became the acting governor, the office of lieutenant-governor having been vacated prior to the death of Governor Bates by the resignation of Lieutenant-Governor Benjamin H. Reeves. Mr. Williams is the only president *pro tempore* of the Senate who has succeeded to the office of governor. Mr. John Miller was elected governor in 1825 to fill out the unexpired term of Governor Bates and was re-elected in 1828. Governor Miller is the only man in the history of our State who has been honored by two elections. Governor Lilburn W. Boggs became the acting governor on the resignation of Governor Dunklin, which took place after Mr. Boggs had been elected governor. Governor Boggs delivered to the Legislature his message as acting governor on one day (Nov. 22, 1836) and on the next day delivered his inaugural address as the regularly elected governor. This is also the only instance of its kind in our history.

FLOYD C. SHOEMAKER.

Columbia, 1922.

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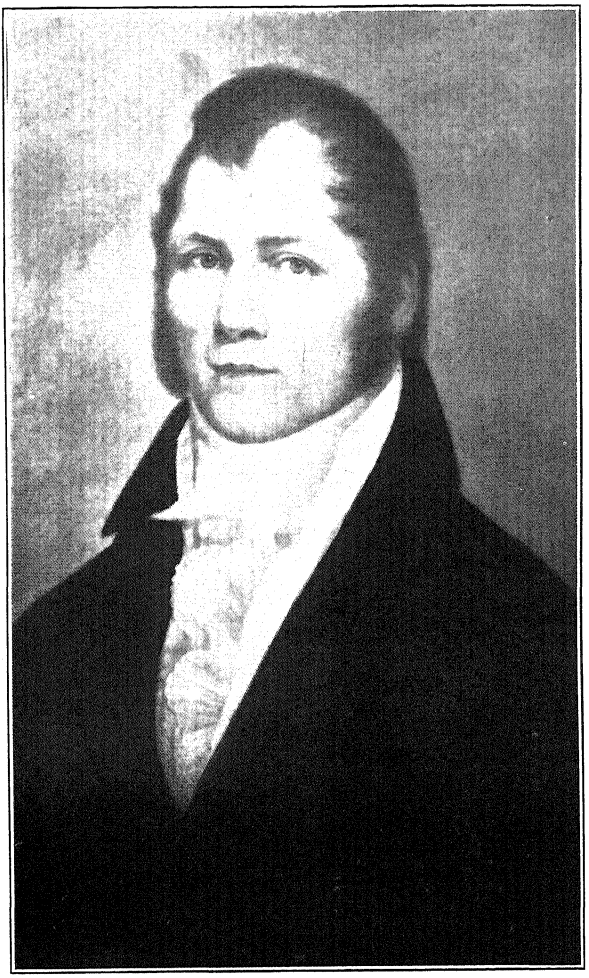
GOVERNOR ALEXANDER McNAIR



ALEXANDER MCNAIR
Governor 1820-1824

ALEXANDER McNAIR

BY

WALTER B. STEVENS

The inscription on the shaft at the grave recites that "Alexander McNair, first Governor of the State of Missouri" was "born in Mifflin County, Pa., May 5, 1775." This is at variance both as to date and place with most of the biographical notes in Missouri histories. The grandfather, David McNair, came from Donaghmore, County Donegal, Ireland, about 1732. He settled in Derry township, Pennsylvania, which is commonly given as the birthplace of Alexander McNair. The ancestors were of a Scottish clan from near the head of Loch Lomond. Alexander McNair's father served in the Revolutionary War, dying from injuries received in the Battle of Trenton. Alexander McNair was two years old when his father died, which fact, obtained from official records by Edward Brown, the biographer of Governor McNair, it is difficult to reconcile with the entertaining tradition about the coming to Missouri.

The tradition is that Alexander McNair was at Philadelphia college, afterwards the University of Pennsylvania, in the first year of the course when he was summoned home by the death of his father. There was some dispute about the settlement of the estate. The mother decided to leave it to a physical encounter between Alexander and his brother Dunning. Alexander lost. The tradition runs that "Alexander received a severe whipping at the hands of his brother, to whom he afterwards acknowledged he owed the honor of being the first governor of Missouri."

"The story is interesting," writes Mr. Brown, in the *St. Louis Catholic Historical Review*, "but has little semblance of truth. His parents did not die at that time, and the paternal estate had apparently been settled when the

widow filed her final account as administratrix, some six or seven years previous. Nor was it the disposition of Alexander McNair to make settlement with a brother in the manner described."

Between the time of leaving college and the coming to St. Louis, Alexander McNair saw military service. He was in command of a company from Dauphin county during the Whiskey Insurrection. In the spring of 1799, he received a commission as first lieutenant when the Provisional Army was organized for the threatened hostilities with France. This war cloud passing, Lieutenant McNair and his comrades were mustered out.

Alexander McNair arrived in Missouri in the winter of 1804. Close friendly relations with General William Henry Harrison had much to do with the auspicious beginning of Alexander McNair's career in Missouri. General Harrison was governor of Northwest Territory. He was sent to St. Louis to establish some form of government until Congress could act more definitely. Alexander McNair was made a justice of the court of common pleas.

Captain McNair subsequently held the office of sheriff of St. Louis. Later he was commissioned by President Madison to be United States marshal of Missouri Territory. For some time after his arrival he held the office and performed the duties of United States Commissary. When St. Louis was incorporated as a town, Alexander McNair was one of the five trustees elected.

The military service which Captain McNair had rendered before coming west prepared him to undertake the duties of adjutant and inspector general of the territorial forces of Missouri territory when the War of 1812 opened. At that time "Captain McNair's Troop of Horse" was one of the popular institutions of St. Louis. It paraded on the Fourth of July. After his service in the War of 1812, until his election as governor, he was "Colonel McNair."

The question of land titles was an overshadowing issue. Alexander McNair early applied his practical turn of mind to the solution. As St. Ange and the Spanish lieutenant-

governors who succeeded him assigned grants of ground for colonial homes and other improvements to the pioneer settlers, records were made in several books called Livres Terrien, Nos. 1, 2, 3, 4, 5, and 6. These Livres Terrien constituted the real estate records of St. Louis when American sovereignty came in. The best elements of the French population and of newcomers got together and chose a committee of thirteen to represent them in the settlement of titles. Alexander McNair was one of the thirteen. The committee held that the proper course would be to have the Livres Terrien accepted as official records by the American government. They appealed to Frederick Bates, register of land titles, to record these concessions. His activities in the settlement of the titles led to Colonel McNair's appointment as register of the United States land office. His administration of the office added much to his hold on popular confidence. Shoemaker says in "Missouri's Struggle for Statehood," discussing McNair's strength as a candidate:

"His record as register of the St. Louis land office was also a recommendation for him. While holding that position he had deliberately disregarded the unpopular instructions of his superior and had granted more than a quarter section of land to individuals. This action had been opposed by the land speculators but had met with the approbation of the pioneer settlers. Further, the fact that McNair's interpretation of the law on this point was found to be correct and the orders of his superior which were later changed served to strengthen his cause."

In 1814, Mr. Hempstead having declined re-election as territorial delegate in Congress, Colonel McNair was one of the candidates to succeed him. Rufus Easton was elected by a small majority.

In 1817 was held the first celebration in Missouri of Washington's Birthday. The two men who were to be rival candidates for the office of chief executive of the new state three years later were president and vice-president of the meeting, William Clark and Alexander McNair. That same year was organized the first board of school trustees

for St. Louis. Alexander McNair was one of the seven trustees.

In the earlier years, Captain McNair was prominent in Masonic affairs. He was a member of St. Louis Lodge No. 111, of which Meriwether Lewis was worshipful master. On July 14, 1811, Captain McNair was chairman of the committee of arrangements for the Masonic celebration of the festival of St. John the Baptist.

When the time seemed favorable, financially, for the building of the first Presbyterian church in St. Louis, Alexander McNair took active part in the movement. On the 11th of January, 1819, a public meeting was held at the house of Rev. Salmon Giddings. The purpose was "to devise means for the erection of a Protestant house of worship." Stephen Hempstead who with eight others had organized the first Presbyterian church was chairman. Thomas H. Benton was secretary. A committee consisting of Alexander McNair, Rev. Salmon Giddings and Judge Nathaniel Beverly Tucker was appointed to draft a subscription paper. Catholic business men of St. Louis subscribed freely, three of them $50 each. Edward Brown, the vice-president of the Catholic Historial Society of St. Louis, says:

"Although Governor McNair came from a family of Scotch Presbyterians and had been born and reared in a Protestant community, he died in the Faith which had been so truly exemplified in the home life of his wife and children, and received the last sacred rites of the church at his death."

Mr. Brown quotes from a letter written from St. Louis, by Bishop Du Bourg, July 6, 1822, found in the Catholic Archives of America, at Notre Dame, Indiana:

"The whole family of our governor are practical Catholics; and the governor himself does not miss any of our church celebrations."

Alexander McNair was one of the eight anti-restrictionist candidates elected from St. Louis county to the Convention to frame the constitution of 1820. Anti-restriction meant opposition to any restriction upon slavery.

From the very thorough researches of Mr. Shoemaker, secretary of the State Historical Society, it does not appear that McNair was among the most active of the framers of this first organic act. He was not on any one of the four most important committees chosen at the organization. Lawyers were in the saddle. Analyzing the votes cast in the convention, Mr. Shoemaker found that McNair was in a class of ten delegates who were on the successful side in only about half of the propositions presented. But McNair made a record in his voting which he used to effect in his race for governor. He opposed high salaries and voted against making $2,000 the minimum for governor. In this course he was opposed to the dominating influence of the lawyer delegates. Several of McNair's other votes on the losing side were against the provisions favored by the lawyers. While the constitution was still in the making, Colonel McNair let it be known that he would be a candidate for governor. Some time in June he predicted that he would carry St. Louis county by 500. He counted on the support of the "honest farmers."

Colonel Charless' *Gazette* charged that a "lawyer junto" in the constitutional convention was framing a slate to control the offices of the new state. McNair was at first supposed to be the caucus choice but his independent utterances and opposition to the lawyers who controlled the convention showed the contrary. Territorial Governor William Clark, although at first declining to be a candidate because of the fatal illness of his wife, was induced to run against McNair.

The constitution went into effect July 19, 1820. Two days later Colonel McNair formally announced himself in a letter addressed to "Fellow Citizens of the New State of Missouri."

McNair made a personal canvass. He made no charges against Governor Clark but he did not spare the leaders of the constitutional convention for their secretive methods and for the failure to distribute the proceedings of the convention so that the voters could see how the delegates

voted. And in this connection he repeated his opposition to the high salaries of the governor and the judges, pledging himself, if elected, to recommend to the legislature amendments to the constitution which would reduce these salaries.

Clark's friends did not hesitate to attack McNair. They said, according to the newspaper propaganda in the possession of the State Historical Society of Missouri, that McNair had "officially done nothing in the convention except vote; that no part of the constitution owed any of its excellence to him; that while the names of Barton, Bates and Cook were familiar ones in the convention the name of McNair meant nothing; that his political aspirations and ignorance combined were the reasons of his inactivity in the convention; that although he was a good citizen, a model husband, parent and neighbor, he lacked capacity and independence to hold the office of governor and could not be compared with Clark in knowing law." The quotation is from "Missouri's Struggle for Statehood" and is based on the files of the *Missouri Intelligencer* of August, 1820.

Private correspondence of the Clark people went further in the criticism of McNair. John O'Fallon wrote to General T. A. Smith, July 27, 1820—

"The election is getting very warm—McNair is making the greatest exertations in the tippling shops of this place—he can at any time, now, be found in the back street, among the dirtiest blackguards—asserting that he must, and will, be elected—he is much involved in de * * (torn out) * * * ing been protested in bank four times (torn out) to assure them that his election will do much to secure the votes and support of his creditors, to extricate him from his embarrassments—".

According to the tax records, Governor McNair had prospered moderately well during his life in St. Louis. In 1811 his property was assessed at $841, ranking him among the fairly well to do at that time. Only fourteen residents of St. Louis in 1811 owned "carriages of pleasure" and Captain McNair was one of them. In 1821 Governor McNair's property in St. Louis was assessed at $6,400.

The McNair home, up to 1811, was at Main and Pine streets. That was in the immediate vicinity of the Chouteau residences. The McNair family moved to Main and Spruce streets, which was the home until about the time of the campaign for governor. In 1819, Colonel McNair built a brick house on the east side of Broadway, then called Third street, near the present O'Fallon street. This was opposite the home of General Ashley, one of the chief social centers of St. Louis.

In the McNair manuscripts of the Missouri Historical Society there is a letter from Colonel McNair to his brother-in-law, James Horner, dated January 8, 1813, in which he writes of his financial condition:

"I have hope ahead but not much money on hand. I have a pretty good property in lands, house and lots in this place, tanyard in St. Charles, and five negroes, four large and one small in this place. My property in this county I think worth $16,000, and you are the best judge of my property in that country, but this is what keeps me without cash, paying for property. But now I have got hold of such property as I wanted and will try and make money soon. Was not much business for sheriffs in this county, therefore, at present make little by my office, but will keep it for better times."

The activities of Alexander McNair were not limited to office holding. In 1806, according to his biographer, Edward Brown, Captain McNair had engaged in mercantile business. In 1812, the firm of McNair, Thompson & Company was doing commission business in the house of Madame Robidoux, and the next year the firm of McNair & Chandler was the style of the firm. Captain McNair dropped business to lead his company of mounted rangers into the War of 1812, leaving St. Louis in July.

The campaign of 1820 was lively while it lasted. It closed August 26th, Saturday. The election was held the following Monday. For governor, 9,132 votes were cast. When the returns were canvassed by the legislature they gave McNair a majority over Clark of 4,020. In St. Louis

county McNair polled twice the votes that Clark did, beating him over 400 and almost verifying his prediction that he would have 500 majority from the "honest farmers." In St. Charles county, McNair's vote was nearly three to one against Clark; in Cooper county, four to one; in Howard and Jefferson counties nearly two to one.

As the constitution provided, the first legislature met in St. Louis on the third Monday of September, the 18th, 1820. At 11 a. m. the following day Governor McNair and Lieutenant-Governor Ashley appeared before the joint session and took their oaths of office. At 4 p. m. that day, Governor McNair came before the assembly and delivered in person his message, a model of brevity, congratulating the assembly "upon the happy change that had just taken place in our political affairs."

In his messages and manners, Governor McNair steadfastly maintained that with the adoption of the constitution and the inauguration of the state government, Missouri put off territorialhood and became a political entity.

The first week of the McNair administration brought a sharp conflict between governor and senate. The governor sent in the nomination of Joshua Barton to be secretary of state. The senate refused to confirm the governor's action but nominated Joshua Barton for secretary of state and sent the nomination to the governor, insisting that such was the correct interpretation of the constitutional provision, "There shall be a secretary of state, whom the governor, by and with the advice and consent of the senate shall appoint." Governor McNair's message in reply, controverting this position of the senate and asserting the prerogatives of the executive, is one of the most interesting of his state papers. The senate yielded. Plain and business-like were all of the communications addressed by Governor McNair to the legislature. They leave the impression that Missourians of 1820 made no mistake in giving him seventy-two per cent of the vote cast.

Within less than a month after his inauguration, the governor set about the redemption of one of his leading

campaign pledges. On the 12th of October he called upon the legislature to present an amendment on the subject of salaries of governor, the judges and the chancellor. His position was that the fixing of these salaries was "a question of expediency, not principle; its amount must result from a consideration of the talents required in the office, the duties to be performed, and the ability of the people to pay; of course it must change with the times and circumstances, and therefore belongs to ordinary legislation."

But the senate and house of representatives failed to get together on the form of the amendments and the subject went over to the next legislature where the governor renewed his efforts to reduce the salaries of state officers.

The first general assembly fixed the compensation of its members at four dollars a day, with a dollar additional for the presiding officers. Mileage at three dollars for each twenty-five miles "they must necessarily travel" was added. Governor McNair vetoed the bill. The legislature passed the bill over the veto, twenty-eight to seven in the house and nine to three in the senate. This was the first veto in the history of Missouri legislation.

Governor McNair appreciated the importance and dignity of the office of first governor of Missouri. He made it evident in many ways. When the legislature assembled in St. Charles, the temporary capital, Governor McNair rode over on horseback. It is a tradition that he was the only state officer who wore a cloth coat, cut swallowtail, after the fashionable style of 1821. The governor was further distinguished by a tall hat of beaver. Most of the legislators, according to Dr. Walter Williams, wore homespun clothes and homemade shoes. Several came in buckskin leggings, fringed hunting shirts and moccasins. A few had wool hats, but the common head covering even of the public men of Missouri was a fur cap of coon or wildcat. The sartorial distinction of Governor McNair made its impression upon the legislators. It is told that one member, Palmer, from the Grand River Valley, insisted on occupying for a single night the same bed with Governor McNair,

so that, as he said, he could go back and tell his constituents on Fishing river that he had "slept with the governor of Missouri."

Of the popular verdict upon Governor McNair's administration and of the esteem in which the family was held by Missourians in 1824, Elihu H. Shepard, the pioneer educator, writing as contemporaneous authority, has left this view:

"Governor McNair's term of office was now drawing to a close in 1824. It had been an entire success, and he retired from its duties with the gratifying consciousness that his entire administration had given satisfaction to the people in all parts of the state, and his example was worthy of imitation. Indeed his official career was always a success in all stations. He had filled many offices, both civil and military, in the territorial, state and Indian departments with credit to himself and satisfaction to the public. He owed but little to scientific training or brilliant abilities, but he possessed a sound judgment, an honest heart and patriotic purpose, from which no allurements could ever divert him. His house was the abode of hospitality and the high school of refinement in St. Louis and Missouri, and people from all parts of the state resorted to it as to the home of a brother and were received by his accomplished wife with the affection of a sister or a mother and made welcome to all it afforded. Information was sought and given there by politicians of all parties with the utmost freedom and kind feelings, for peace and wisdom always presided there in the person of Mrs. McNair and her well trained children."

Governor McNair's domestic relations were fortunate and happy. Mrs. McNair came of one of the families of sisters notable in the early history of Missouri. The Camps settled in St. Louis long before the American occupation. They were of Connecticut stock. Rev. Dr. Ichabod Camp was descended from pioneers of Hartford and Milford. He graduated from Yale when it was a three-story building with a cupola. He went to England and received his license

to preach from the bishop of London. Coming west with a family of daughters and a retinue of slaves, after having preached in Virginia, he lived in Kaskaskia, the pioneer rector of the Episcopal church on the Mississippi river, the associate of Shadrach Bond and others prominent in the territorial days of Illinois. After Dr. Camp's death, the widow and daughters moved to St. Louis.

The Camp family was so well thought of by the Spanish authorities that the widow of Ichabod Camp received the assignment of a piece of ground 120 by 150 feet, at what later became the corner of Fourth and Almond streets, on which to build a barn. The same Spanish lieutenant governor granted Mrs. Camp and her son-in-law, Antoine Reilhe, a tract of 2900 arpents along the River des Peres. Mrs. Stella Camp Reilhe bore her husband a son and two daughters, the eldest, Marguerite Susanne, becoming the wife of Captain McNair the year after he settled in St. Louis. Antoine Reilhe was of French birth, of a noble family, the De Reilhes, and highly educated. The wedding of Alexander McNair and Marguerite Suasanne Reilhe took place in the winter of 1805. Manuscript records of the McNair family preserved by the Missouri Historical Society show that Captain McNair took his wife on a bridal trip going on horseback to Pittsburg, where he transacted some business, visiting his mother and his sister, Mrs. James Horner, at Wilkinsburgh. The wife of the first governor of Missouri was a woman of fine presence and very popular. The domestic relationship which Alexander McNair formed within a year after he settled in St. Louis undoubtedly were of material advantage to him.

Organized philanthropy for St. Louis had its practical beginning in the McNair home. The family was Catholic but when in 1824, a movement to organize a society for charity service took form, representative women of all creeds came together in the governor's house. They chose the name of "The Female Charitable Society of St. Louis." Mrs. George F. Strother was elected the first president and Mrs. McNair the first vice-president.

Ten children were born to Governor and Mrs. McNair. Descendents of Governor McNair are widely scattered. Three are at this writing residents of Missouri, the mother of Paul Bakewell, Jr., who was Eugenia Stella McNair, Lilburn G. McNair, and John G. McNair.

One of the last public appearances of Governor McNair was in connection with the vist of Lafayette to St. Louis in 1825. The legislature having refused to make an appropriation for the entertainment and Governor Bates having announced that he would absent himself on the coming of the visitor, April 19, 1825, a citizens' committee was formed to "superintend and direct all arrangements for the reception and accommodation." Governor McNair was a member of the committee.

Retiring from office as governor in 1824, Colonel McNair received the appointment of United States agent for the Osage Indians, the principal tribe at that time within the State of Missouri. He went out to the agency in the winter of 1826, contracted a severe cold which was followed by an attack of influenza terminating fatally on the 18th of March, 1826.

His wife and eight children, the oldest eighteen years old and the youngest, a babe of two weeks, survived. Mrs. McNair lived until June 17th, 1863.

Governor McNair was buried in the old Military graveyard, the remains being removed to Calvary cemetery when that was opened. The burial place is near the Broadway entrance in the oldest part of the cemetery. Until the observance of the centennial of Missouri's statehood, the grave was marked by a small headstone. In October, 1921, a monument of Missouri red granite erected by the Calvary Cemetery Association was unveiled with fitting ceremonies as part of the centennial observance.

INAUGURAL ADDRESS

SEPTEMBER 20, 1820

From the Journal of the Senate, pages 9 and 10

Fellow-Citizens of the Senate, and House of Representatives:

Having been notified by you, that I have been called by the voice of my fellow-citizens to fill the office of Governor of the State of Missouri, it becomes my duty to enter upon the discharge of the important duties which the Constitution of our State has assigned to that magistrate. In doing so I cannot but feel the greatest diffidence and embarrassment, arising as well from want of experience in the affairs of civil administration, as from the present important political crisis of our country. Relying much, however, upon the aid I shall receive from the Representatives of a liberal & enlightened people, and above all relying upon the protection of that Supreme Being, who watches over and directs the destines of nations, I feel encouraged in entering upon the arduous task before me.

I congratulate you, gentlemen, upon the happy change which has just taken place in our political affairs. From a dependant condition of a Territorial government, we have passed into a sovereign and independent State, we have formed for ourselves a Constitution, which though, perhaps, not free from the imperfections incident to all human institutions, does honor to the character and intelligence of our infant State, and gives us every reason to expect, that we shall, without further difficulty, be admitted into the Federal Union.

Much remains yet to be done to ensure to ourselves the perfect enjoyment of all the inestimable blessings of self-government, and it becomes us, in the measures which we shall adopt to put the new government into operation, to act with a degree of prudence and deliberation, comporting with the importance of the duties to be performed, as

the future character and prosperity of our country, in a very great degree, depend upon the measures of the first General Assembly.

You will have the constitution laid before you, which points out the principal subjects of immediate legislation to put the new government in operation.

It is deemed advisable to remind you that the election of President and Vice-President of the United States is approaching, and that it will be necessary to make provision as soon as possible for the election of three electors in this State, in order that we may have a voice in filling those highly important offices.

Gentlemen, I shall from time to time make to you such further communications as in the progress of your labors shall become necessary; and be assured, that I shall, at all times, most readily and cheerfully co-operate with you, to the best of my abilities, in all measures, calculated to promote the welfare of our country.

ALEXANDER M'NAIR.

SPECIAL SESSION MESSAGE

JUNE 4, 1821

From the Missouri Gazette, St. Louis, June 6, 1821

Gentlemen of the Senate and of the House of Representatives:

In discharge of the duties required of me by the Constitution, I have convened you at this early period for the purpose of laying before you several matters which appear to me urgent in their nature, and of vital importance to the state; hoping from your wisdom and prudence a remedy from some of the evils under which the country labors, which my own reflection has not been able to devise. This measure, which will necessarily occasion a considerable public expense, has not been adopted without the maturest deliberation and absolute conviction, on my part, that the public interest and safety require the prompt interposition of the General Assembly. Since the first organization of this government, we have exhibited to the American people spectacle novel and peculiar—An American Republic on the confines of the Federal Union, exercising all the powers of sovereign government with no actual political connexion with the United States; and nothing to bind us to them but a reverence for the same principles and an habitual attachment to them and their government. And although we had the best grounded hopes of immediate admission into the Union, such has been the warm excitement produced by the Missouri Question, both in and out of Congress, that we have not only been disappointed in this, our just expectation, but the nation itself has been brought to this verge of ruin. But since better principles and a milder policy have been adopted, the Congress of the United States has passed a resolution for the admission of this state into the Federal Union, on an equal footing with the original states. Be it ours then to show how highly we appreciate the blessings of the Federal Constitution, and to demonstrate to the nation at large, that while we add another member to the Federal family, we bring along with us into the Union,

principles that will ensure its stability and duration. The President of the United States has caused to be transmitted to me an authenticated copy of the above mentioned resolution, which is herewith presented to the General Assembly. I deem it proper to recommend the immediate consideration of that subject, and the passage of such legislative act as is required by the resolution; carefully avoiding at the same time every thing that might impair our political rights, or draw in question the dignity and independent character of the state.

However momentous a speedy decision on this subject may be, when viewed in connection with the general politics of the country it is of no less importance when considered with reference to our local interests. As we expect to increase in wealth and numbers by the accession of citizens from other states, it is our true policy to remove every obstacle and hold out every inducement to emigration. Our unsettled political condition has already prevented thousands from making our country their home, whose capital and productive labor, while they augmented the general stock, would have divided and diminished the burden of taxation. Comparatively but a small portion of our soil is in a state of production; if by encouraging emigrants to settle and improve it, foreign wealth and industry can be brought hither, land itself may be considered as an article of exportation and will compensate for the enormous drain of the circulating medium produced by the commercial balance which is constantly against us, as it must be against every new country which is rather in a state of preparation than of the actual production of the necessaries and luxuries of life. There is another subject of the utmost importance to which I would call the attention of the General Assembly. Remote causes over which the people of this state, had no control, and in which they had little participation, have produced a depression into commerce and credit, which has been severely felt throughout the continent. The evil beginning in the Atlantic cities, has gradually extended itself to this state and produced pecu-

niary embarrassment and distress, both public and private heretofore unknown among us. I feel myself unable to point out a remedy commensurate with the evil; but content myself with suggesting to the General Assembly, that if there be any feasible plan of relief, the public exigencies seem imperiously to require its adoption; if it may be done without trenching out the fundamental principles of the Constitution, those great and sacred landmarks which should never be removed or departed from.

At the last session of the General Assembly it was deemed expedient to propose several alterations in the Constitution. As my views were then made known upon that subject, it cannot be necessary that they should be now repeated; I will therefore merely call your attention to the subject for the purpose of reminding you that if not now acted upon, the matter will be beyond the reach of this General Assembly, as your regular session in the approaching autumn will be too late to allow the time for publication required by the Constitution. It has been heretofore impossible to establish a regular system of finance and to give to our resources their utmost productive quality. This cause, together with the enlargement of the expense made necessary by the change and organization of the government, has rendered the receipts of the Treasury inadequate to its necessary disbursements. Your best attention will therefore be necessary to such branches of the revenue as have not yet been fully developed and applied to the public service—And in connection with this subject the establishment of a rigid economy in every department of the state, and the retrenchment of every unnecessary expense, are subjects greatly to be desired.

Gentlemen, as you are now assembled for the consideration of matters, special and urgent in their nature, I will suggest the propriety of shortening your session, as far as is consistent with the public good, and of postponing until your regular session in the fall, such measures as may be thought necessary for the general amendment of the law.

ST. CHARLES, 4th JUNE, 1821. A. MCNAIR.

FIRST ANNUAL MESSAGE

NOVEMBER 6, 1821

From the Journal of the Senate, pp. 5-11

Gentlemen of the Senate, and of the House of Representatives:

In communicating with you on the affairs of the Republic at the beginning of your present labors, it affords me much satisfaction to be enabled to state, that the Solemn public act passed at your last session has been received and acted upon by the President of the United States, and that Missouri has at length obtained her legitimate rank among the confederate sovereignties of America. An authenticated copy of the President's Proclamation announcing to the world that Missouri has complied with the requisitions contained in the Resolution of Congress passed at their last session, and that she has consequently become a Member of the Federal Union on an equal footing with the original States will be laid before you.

It is a matter of pleasing exultation to every lover of his country, that this angry contest which has called forth the worst feelings of party animosity and sectional jealousy, which has clouded the patriot's bosom with gloomy apprehension, and has shaken the Union to its centre, should be thus tranquilized into harmony and peace. While it holds out to the admiration of the world, that all-pervading sense of justice, resulting from the wise institutions of our country, which can make numbers and strength forget their power and adhere to principle; it has afforded a practical demonstration of the moral energy of those excellent principles of Government which could temper a rigid tenacity of our rights with the conciliating spirit which disarms opposition.

Nothing could more cramp the energies and retard the growth of our infant country, than the dubious nature of our political relations during the last two years. While

the future character of the State, and the tone of our municipal policy remained doubtful, and our very existence as a sovereignty was questioned abroad, the tide of emigration ceased to flow into our country, and we were left to depend on our own crude resources without the aids on which new countries ordinarily rely. This and other causes have introduced and continued difficulties of a pecuniary nature that bear heavily upon the government and the people; to remedy which, if indeed they be within the reach of Legislative aid, will require the utmost wisdom and prudence of the general assembly.

The act passed at your last session for the establishment of Loan Offices has been recently put in operation; but the time necessarily consumed in making preparatory arrangements has not afforded an opportunity of testing the efficiency of the institution, or of proving whether it will produce a public benefit commensurate with the expectations of the Legislature. Could a currency and confidence be given to the Certificates of the State which would induce the Federal government to make them receivable in payment for the public lands, their credit would be placed on a solid basis; and we might confidently rely on their exemption from that fluctuation and debasement of value which has so uniformly attended the paper of similar institutions. The act authorizes the executive to receive proposals for a Loan to the State of two hundred thousand dollars. No proposals have been received; and we ought not to be flattered with the hope of restoring a metallic circulating medium, in a degree adequate to our exigencies, till we have drawn forth the latent riches with which the country is so bountifully blest, by the slow and painful operation of laborious perseverance. The embarrassments under which we labor are not peculiar to ourselves; they are felt in every section of the union; and if they be found more difficult of remedy here than in other states, it is because, from the recent establishment of our institutions, the resources of the state could not at once be organized and drawn into practical usefulness. Great numbers of our population

being recent settlers, are for the most part engaged in opening farms, building houses, and preparing future comfort and profit, and thus necessarily consume more than they make for exportation, hence the great and incessant drain of precious metals, which has left us almost without a circulating medium of any intrinsic value. The means by which this evil has hitherto been counterbalanced, was the wealth annually brought and circulated amongst us by emigrants from other countries.—But even from this resource we have been cut off. The people of the other states were suffering under the same evils by which we are afflicted, consequently the number of emigrants were greatly diminished, and the few who were desirous of settling among us, alarmed at the doubtful state of our political affairs, have directed their course to other frontiers. Yet we should not despair of the Republic. Although the task devolved upon us be arduous and difficult, the evils by which we are surrounded are not insuperable. It is hoped that the wisdom of the general assembly may be able to devise some effectual plan of present relief from the calamitous consequences which overtrading and unguarded speculations have brought upon the country. In attempting this desirable measure, it is our special duty to blend with our humanity for the unfortunate debtor, a due respect for the principles of the Constitution and the rights of creditors.

But it is to our internal resources—to the natural riches of the country, that I would chiefly look for the permanent wealth and prosperity of the state. The noble rivers by which our country is bounded and intersected, render every considerable district accessible, for commercial purposes at every season of the year; and the rapidity of steam navigation enables us to unite the advantage of a northern situation with the prompt enjoyment of a southern market for our productions. With a climate temperate and salubrious —a soil unsurpassed in fertility, and particularly adapted to the production of all the great staples of western consumption and commerce, and pregnant with inexhaustible stores of Lead, Iron and Salt, our state holds out advantages to

industrious enterprise unequalled in any part of the continent. A knowledge of these advantages inspire the patriot with confident hope, and gives to his mind a delightful prescience of the proud pre-eminence to which his country must at one day attain. Yet it is a melancholy fact that our active capital has hitherto been squandered in speculations worse than useless; while the very articles, for the production of which we ought to stand unrivalled, are imported and consumed among us in enormous quantities. It is believed that the freight paid by us for the transportation from other states of Salt, Iron, Tobacco, Whiskey, Flour and Bacon, annually amounts to a sum sufficient to defray more than half the ordinary expenses of the Government. Here, Gentlemen, opens a noble field for your useful labors. To awaken the slumbering energies of your countrymen, and direct them to the proper objects of individual and national prosperity, is a glorious task. To be the instruments of ameliorating the condition of your country, by well-planned systems of encouragement to the development & application of its internal resources is surely a fortunate destiny—that destiny is yours; and your country has a right to expect at your hands earnest and active efforts in so great a cause.

I find it impossible, and indeed deem it unnecessary to be very minute in particularizing the various measures to which it might be proper to resort on this interesting subject; but after one general remark, applicable alike to all its branches, will proceed to give my views of some of them only. In adopting any plan of encouragement, we should avoid even the appearance of fluctuating views and temporary policy; and give to our system whatever it may be the real character of permanence and stability.

The lead mines in various parts of the state, in themselves form a source of countless wealth; but as they have been invariably excepted from grants and confirmations of land to private individuals, they still remain the property of the United States. The federal government either misinformed of their real value, or ignorant of the best mode of

rendering them productive, has left them in a condition comparatively useless. I suggest the propriety of addressing a memorial to the Federal Government, requesting that the lead mines may be ceded to this state, or leased to private individuals for such long terms, as will embolden capitalists to make the improvements necessary, to render them profitable to the public. Lead and products of the fur trade, which find their natural outlet through our state, are almost the only article on which we can rely for the support of a metallic currency. It therefore behoves us in a special manner to give every aid and encouragement to those who are engaged in those important branches of labor and commerce.

By the act of Congress for our admission into the union, the State has acquired a right to twelve salt springs, to be selected at your discretion. This public property is of incalculable value and I doubt not, will at no very distant day yield a revenue sufficient greatly to lighten, if not entirely to remove the burden of taxation. From the best information I have been able to obtain, twelve salt springs may be selected, the quality and abundance of whose waters will under judicious management, be adequate to the supply of half the continent with that indispensable article. No time should be lost in making the selection and putting the springs in a state of production; for we cannot be unmindful that every bushel of salt crystalized within our limits, is a saving of about one dollar to the State.

Experiment has proven our soil and climate well adapted to the culture of tobacco: an article to the cultivation of which we have peculiar inducements. For several months in the year the Ohio River and its tributary streams are difficult of navigation, hence we shall have to anticipate the Ohio country in the market of New Orleans, where tobacco always bears a price sufficient to indemnify, if not to enrich the planter. Heretofore we have been compelled to pay the New Orleans merchants for our groceries and other heavy articles of foreign production in money, and thus our circulating specie has been brought to the lowest ebb. We

cannot hope for a favorable change in this respect, until we raise something from our labor to barter for these necessary commodities. I think the culture of tobacco the most direct and attainable means. For the encouragement of the growth of this valuable plant, I recommend the erection of public warehouses, and the establishment of inspectors of Tobacco at convenient places in various parts of the state.

The Militia has been organized, and all necessary officers commissioned except Major Generals, whose elections have failed for want of the assemblage of two-thirds of the General and Field officers of the respective divisions according to the provisions of the act on that subject. Further legislation will be necessary to complete the election of those officers. The spirit manifested by the militia in organizing and uniforming independent companies, and in studying the military service, is highly commendable; but that the spirit and all the well directed efforts of the General Assembly are counterbalanced by a deficiency of arms in every quarter of the State. The great extent of our frontier, and the nature of the hostility to which we are exposed, will probably induce the Federal government to distribute to our militia a larger supply of arms than would be necessary for those states whose locality exempts them from all danger of hostile incursion. I recommend that proper measures be taken for obtaining the requisite supply.

As knowledge is at once the cause and preservative of civil liberty, it behoves every representative of a free people, to apply his anxious and unremitting attention to the means of education. Let it not be imagined that these are matters of a subordinate character to be postponed to the consideration of local & transitory interests—they form the first great duty of a legislator. When the light of science shall be as widely diffused as the civil blessings we enjoy, then, and not till then, can the people justly appreciate the excellence of our institutions & cordially unite their efforts to render them perpetual. The state is munificently endowed with lands for the support of schools and the seminaries of learning; little however, has yet been done to render

them useful to the public.—It is not enough that an act has been passed to protect the school lands from encroachment and depredations. They ought to be applied as early as possible to the great object for which they were designed. The infancy of the government, when principles are fresh in the minds of men, is a time peculiarly proper to inculcate the principles of morality, religion and virtue, by the establishment of learned institutions, which, being associated in the public mind with the government itself, acquire a permanence and sanctity which will in some degree shield them from the dangers of careless innovation. Where the population is moderately dense, the sixteenth section of each township will be sufficient to support a common school for the rudiments of education. And the township granted to the state for the support of a seminary of learning, if advantageously designated, it is hoped will be sufficient to perfect its object. The establishment of such an institution is greatly to be desired, and ought to be accelerated by all possible means; and I would recommend to the General Assembly the adoption of such measures as may be necessary in order to make a judicious application of that fund in opening roads between the most important points in our state.

Considerable inconvenience daily arises from the want of a seal of state, and I deem it proper to remind you of the necessity of supplying the deficiency at the present session.

In the progress of your labors, I shall cheerfully give to either house, on its request, such further information as may be in the power of the executive. And from time to time during your session, will renew my communications with you on such subjects as may seem to me to require it.

A. M'NAIR.

NOVEMBER 6TH, 1821.

SECOND ANNUAL MESSAGE

NOVEMBER 4, 1822

From the Journal of the Senate, pp. 6-12

Gentlemen of the Senate, and of the House of Representatives:

It is with peculiar satisfaction that I meet a second General Assembly of the state of Missouri. As the representatives and agents of a free people, elected by their voluntary suffrages, to relieve their wants and protect their rights under the Constitution of the United States and of this state, you will find many arduous and important duties to perform. Many subjects of high interest and importance to the citizens of the state will come before you to be acted upon. Subjects which have excited the feelings and divided the opinion of the public.

But, Gentlemen, permit me to recommend to you for the welfare and prosperity of the state, to preserve in your proceedings the same harmony and unity which characterized our citizens in their struggle for an independent government.

Residing as you do in different parts of the state, you are not only acquainted with the sentiments of your respective constituents, but are doubtless prepared to represent and promote their particular local interests. I shall, therefore, pass over matters of a sectional nature, and confine my communication to subjects of general concern.

The first General Assembly of this state, at their June session, eighteen hundred and twenty-one, proposed several amendments to our constitution, which are herewith submitted to you, and by a resolution adopted at the same session, made it the duty of the Governor to cause them to be published three several times in all the newspapers of the state, at least twelve months before the next general election; in compliance with that resolution, each editor of a paper within this state was in due time furnished with

a copy for publication. It is with diffidence I hazard any opinion relative to the amendments proposed. I will however, in general recommend that no alteration in that sacred instrument should be made for slight or trivial cause. We respect & revere the grand charter of our government, and the dignity and prosperity of the state require that this reverence and respect should be scrupulously preserved, but if innovations, whose utility and importance are not obvious, be frequently made, the respect of our citizens for that instrument will diminish or cease and dissentions and discord inevitably ensue.

It is proposed by the first amendment to abolish the office of chancellor; if economy be the object sought, I would suggest to the General Assembly, whether it might not be attained by the adoption of the fourth and ninth proposed amendments. By the third it is proposed to change the mode of appointing the judges of the supreme and circuit courts. As the nomination to all appointments in the judiciary department now rests with the executive, it is a matter of delicacy for me to remark on that subject. Yet I cannot but entertain the opinion, that to insure integrity and talents on the bench, the nomination ought to be confided to that person, whose responsibility to the people is immediate and undivided. The fourth, fifth, eighth and ninth proposed amendments, I am of opinion may well be adopted as they will give to the General Assembly the constituted power to regulate matters which properly belong to the legislative department. That part of the seventh, which proposes to change the mode of appointing the secretary of state and attorney-general, if adopted, will take from the Governor any voice in the appointment of those officers, who are intimately connected with him in the government, and on whose counsels and integrity he must often rely.

You are aware, gentlemen, that much public excitement and anxiety have been occasioned by certain laws enacted by the first General Assembly of this state. Some of the judges have decided them to be unconstitutional and

void, while others have decided the reverse, and of course they are now enforced in some parts of the state, and in others treated as a nullity. It is hoped that your interference will be early extended to this subject, in order to produce a uniformity of judicial decisions, and relieve our citizens from their present anxiety and suspense.

The financial concerns of the state, call loudly for your attention. The pressure of the times, which for some years past has pervaded the western country, has been, and still is severely felt by the citizens of Missouri, and our infant state is but ill able to bear the present expenses of its government. To alleviate this oppression, I would recommend the strictest political economy in every department of the government, and a graduation of the salaries of officers, proportioned to the means of the people. But the most effectual source of relief to which we can look, is the private industry and economy of our citizens, and upon these points, it is with great gratification that I feel authorized to say, that the public mind has taken the proper direction. The delusive spirit of speculation has ceased, extravagance in dress and in living, is giving place to habits of economy. To avoid debts, to live within their own means, and to raise something for home market, as well as for exportation, seems at present to be the grand object of our citizens, and the salutary effects are already visible. The spirit of industry and enterprise which for the last season has shewn itself throughout the state, promises soon to relieve the people from their present embarrassments. Many of our citizens have transported the productions of their own labor to the New Orleans market with much success, others have been constantly employed in the same trade, and in addition to the exportation of produce, other branches of public wealth have been resorted to. Many salt springs have been worked, and the price of that necessary article much reduced. The lead mines have attracted much attention, and have yielded large quantities of lead for exportation, and if a more favorable system were adopted by the general government, we might anticipate the satisfaction of supply-

ing the United States with lead, and of bringing into our state the large sums which are annually sent to foreign countries for that article. The fur trade has been greatly extended, and promises a valuable addition to the commerce of the country. There is another branch of trade lately opened, which it would be inexcusable not to mention. For a year past our adventurous citizens have extended their enterprise to the internal provinces of the Mexican empire. Caravans of horses and mules, loaded with merchandise, have passed from Missouri to Santa Fe, and it is a fact, to the belief of which no credit would have been given until it was performed, that wagons have this summer made the same journey.

The natural advantages of our state, and its internal sources of wealth, it is presumed, are not surpassed by any in the union. Our soil excelling almost any other in fertility, has proved to be eminently adapted to the production of tobacco, and all the other staple commodities of the western states, and the climate has been found by experiment, more favorable to the cultivation of cotton, than the most sanguine had anticipated. Salt springs of immense value are known to exist in various parts of the country and a considerable portion of it abounds with inexhaustible mines of lead and iron ore.

In addition to these advantages, the Mississippi river at all seasons of the year, furnishes a ready and convenient transportation to the general mart of the western country, while other states producing similar commodities, are situated on tributary streams, whose navigation is only occasional. With these advantages in view, it will readily be seen that industry, enterprise and economy, must soon turn the balance in favor of Missouri, and restore to our country a circulating medium secure from depreciation. Let the encouragement of these occupy a part of your labors.

The importance of encouraging agriculture and manufactures will not escape your observation. For this purpose I will suggest the propriety of establishing agricultural societies throughout the state. These institutions naturally

produce emulation, and emulation improvement, their effects in other states have been found highly beneficial. Some provision by law for the inspection of flour, beef and pork, is also thought expedient.

The first General Assembly, aware of the many difficulties arising from the extreme scarcity of the precious metals, endeavored to establish a paper currency upon the faith of the state, which it was supposed, would to a considerable extent, supply the deficiency in the metallic circulating medium, and greatly relieve the exigencies of the people. But the loan office institution from causes which need not here be enumerated, has disappointed the expectations of its projectors. Should your attention be turned to this or a similar currency, it is hoped that it will be established on a solid basis, entitled to the confidence of the people, and not subject to the fluctuation and debasement in value, which has attended the loan office certificates. To effect this, it would be advisable to keep in view that part of the community which regulates the currency of the country.

Three-fifths of the five per centum on the net proceeds of the sale of lands, after the first day of January, eighteen hundred and twenty, is subject to the direction of the General Assembly, for constructing public roads and canals, and a law of the last session of Congress, has authorized the payment of that amount to such person as may be appointed to receive it.

Twelve salt springs are granted to the state, and with them seventy-two sections of land, for the purpose of supplying the salt works with timber and fuel. Measures ought to be taken to preserve the timber from waste and depredation, and to render the salt springs, and also the land when cleared, productive to the state.

Another subject of the utmost moral and political importance, is the instruction of the rising generation. A general diffusion of knowledge is the best safeguard of our excellent form of government. Despotism generally finds its surest support in the ignorance of the people, but republi-

can institutions flourish best in the land of literature & science. For the benefit & respectability of the state it is earnestly to be desired that the legislature will without delay make some provision for the advancement of this important object. It is true that a law was enacted by the first General Assembly, to protect the school lands from depredation, but nothing has yet been done to make them profitable to the state, or to promote the grand object for which they were intended. Many townships are populous and require the aid of some legislative provision, to enable them to realize the benefit intended by the donation of the sixteenth section in each township for the use of schools. The resolution passed at the last session, relative to the thirty-six sections of land granted to the state for the use of a seminary of learning, and the selection of other sections in the place of such of the sixteenth sections as have been sold, was duly communicated to the President of the United States, and to the Secretary of the Treasury, but no answer has yet been received from either department.

The beneficial influence of religious principles on society and individuals, requires that every assistance should be given to their encouragement and promulgation.

In every country there are those who, from old age, infirmity and misfortune, have not the pecuniary means necessary to provide a comfortable subsistence, and may well expect the interposition of a beneficent government in their behalf; our present law in relation to that unfortunate class of our fellow men, appears to be defective. I would therefore recommend such alterations as may be thought necessary, more generally to advance this humane purpose.

As health is essential to all the happiness and enjoyments of life, whatever has a tendency to preserve and promote it, is worthy your most serious consideration. Ardently wishing this invaluable blessing to be enjoyed throughout the state, I will suggest the expediency of incorporating a medical society. The establishment of a public hospital at some convenient point would be no small

relief to those of our citizens who inhabit the borders of our navigable waters. The fact is well known, that many boatmen and others are annually left sick upon our shore, dependent solely on private charity for medical and other assistance.

The respective counties are more or less burthened with taxes to defray the expenses of culprits who have been convicted of crimes, the punishment of which is fine and imprisonment. In most instances those persons for the want of pecuniary means to comply with the sentence, remain in custody until discharged at the expense of the county. If they could be made to labor for the amount of the fine and costs, it would be no inconsiderable object gained in the economy of the state.

The seventh article of the treaty concluded between General Harrison and the Sauk and Fox Indians, in November, 1804, gives to those tribes the privilege of living and hunting on the lands ceded to them, so long as the same shall remain the property of the United States. The tract of country ceded by that treaty, was then almost an entire wilderness, but has since become populated by white settlers, who suffer much inconvenience from the depredations of the Indians. It seems but reasonable under that treaty, that since the lands ceded have been exposed to sale, and a considerable portion become the property of individuals, the privilege of the Indians should cease. A memorial to Congress might effect that object.

By a treaty made between Mr. Pierre Chouteau and the great and little Osage tribes of Indians in the year 1808, the western boundary line of the lands ceded by them, commenced at Fort Clark, and run thence a due south course to the river Arkansas. The title to the tract of country situated between that line and the western boundary of our state, is still in those tribes. As the extinction of Indian title within this state is much to be desired, I would suggest the propriety of addressing Congress on that subject also.

Internal improvements are properly within the sphere of legislative duties. Among the first subjects of this nature which will occur to your observation, will undoubtedly be the establishment of a state road, and the safe navigation of the Missouri and other rivers.

A revision of the laws of the state has become highly necessary. From the various statutes which have heretofore been enacted on the same subject, it has become difficult in many instances to ascertain which laws are in force, and which are repealed.

The militia law passed at the last session is found very defective. It is to be hoped this subject will occupy a part of your attention.

I will further urge the necessity of providing at an early period, for the publication of the laws of the present session. Much inconvenience has heretofore arisen in consequence of laws being actually in force before they were printed or could be known to the people.

Gentlemen—The executive will be happy to afford you every facility in his power, in discharging your important duties, for the best interests of the state.

A. M'NAIR.

ST. CHARLES, NOVEMBER 4TH, 1822.

FIRST BIENNIAL MESSAGE

NOVEMBER 15, 1824

From the Journal of the Senate, pp. 15-18

Gentlemen of the Senate and of the House of Representatives:

The constitutional period of my term of service as Governor of the State expires at the commencement of your present session. In retiring from an office which I have filled for four years, I deem it my duty to communicate to you the result of several measures entrusted to the Executive at the session of 1822, or undertaken by him from a sense of duty to the country.

The act making it the duty of the executive to appoint commissioners to select salt springs, &c., has been executed. Commissioners were duly appointed by me, and have performed the service assigned them, and their report will be laid before you. The act to amend an act, entitled an act supplementary to the acts heretofore passed for the selection of salt springs, has also been complied with so far as it depended upon the executive.

Commissioners were appointed in due time to execute the act for surveying and making out state roads, and have performed the duties assigned to them: their reports, with the plats of survey of each road, are herewith laid before you.

The act providing for the revisal of the laws of this state has been executed, and I am authorized to say to you, that the report of the revisors has been prepared and is ready for delivery.

The act laying off the state into districts, for the election of Electors for President and Vice President of the United States, was found to be defective—no day being fixed therein for holding such election; and on the discovery of this defect, I felt it to be my duty to take measures to remedy it; a call of the Legislature at an earlier day than the one fixed by your predecessors, and in time to

have fixed a day, would have been attended with much expense to the state, and some personal inconvenience to yourselves; to let the time pass to the stated meeting of the Legislature, would be to have remained passive, while the people should lose the exercise of the high privilege in their own persons for the two highest offices of the republic. In these circumstances I adopted a measure to which I saw no objection, but an objection for which I also saw a remedy. I issued a proclamation fixing the day for holding the election, the great right of freemen has been thereby secured to the people; and as you are now in session, and will remain so until after the day on which the Electors are required to ballot for President and Vice President the whole subject is fully before you, and the power is in your hands to supply any remedy which the case requires.

A resolution of the Legislature, approved 8th January, 1822 on the subject of lands granted by the general government for seminaries of learning, has been in part attended to; when in Washington, I spoke to the President and Secretary of the Treasury, on the subject of making the selection as the resolution contemplated, but they both concurred in opinion with me, that since so many sales had taken place, a suitable township of good land could not be got in any one place, and that to obtain it in small parcels, an act of Congress would be necessary. A resolution to effect this change was accordingly presented in the Senate, and referred to the land committee, but was not finally acted upon before the close of the session.

The changes which have taken place among the officers of the several departments in the state by the resignations, &c., and new appointments, will be duly communicated to my successor in office.

Within the two last years the citizens of our state have continued an interesting branch of trade with the internal provinces of the republic of Mexico; knowing that this valuable branch of our commerce needed and deserved the protection of the general government, I brought the subject officially before the President by a communication to

the Department of State which is herewith communicated to you; the subject was taken up by the Representative from Missouri; but no measure of legislation grew out of it on account of the approaching termination of the session.

Several measures have been adopted by the federal government of peculiar interest to this state; a military expedition ascends to the Upper Missouri for the protection of our fur trade, and a mission to enter into treaties of trade and friendship with the Indians who have been hostile to us, has been established. Brigadier General Atkinson and Major Benjamin O'Fallon, are the commissioners appointed, and the character of those gentlemen is a sufficient guarantee that every thing will be accomplished in this interesting subject which the different natures of the service will admit of.

The working of our lead mines has acquired a new degree of activity and prosperity, under the operation of an act of the last Congress, and it may be anticipated that the beneficial influence of the same act will extend to hemp and other articles of this state.

An important act for the improvement of the navigation of the Mississippi has been passed; the report of the able engineers employed by Congress to examine the river, has demonstrated the practicability of removing the obstructions which have been in many instances fatal to the lives and property of our citizens; and late experiments in Cape Fear river, in North Carolina, where thousands of logs imbedded in mud and sand, and heretofore impeding navigation, have been recently removed, and a safe passage created for boats—this proves the correctness of their judgment. I consider this act as the most useful branch of the great system of internal improvement which will gradually extend itself to others of our principal rivers.

The healthiness of our country for two years past is a subject of general congratulation for which we have reason to be thankful to the giver of all good. With the return of this blessing has arrived another advantage to the state; the tide of emigration has again began to flow to Missouri,

and our population has received, and is now daily receiving a respectable accession to its number.

My term of service is now out. In fulfilling the duties of the arduous station of the first governor of Missouri, I have acted as the governor of the *state* and not of a *party*. I have aimed to promote the general welfare in all my appointments to office and in all measures which I have undertaken; doubtless errors may have been committed. In their extenuation I can only say, that being the first executive of a new state, I had not the advantage of either errors or examples of predecessors to aid me.

With the best wishes for your individual advantage, happiness and welfare, and for the prosperity of our country and my fellow-citizens, I now take leave of you gentlemen, and close my official correspondence.

A. M'NAIR.

ST. CHARLES, 15TH NOV., 1824.

VETO MESSAGE

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 1820

From the Journal of the Senate, p. 58

To the Senate and House of Representatives:

"I have had under consideration a bill passed by the two houses of the General Assembly, entitled "an act regulating the compensation of the members of the General Assembly;" and after bestowing upon its provisions that deliberation and reflection due to its importance, feel bound to withhold my approbation.

"1. In pursuance of that system of economy which the financial condition of the state requires, I have already deemed it expedient to recommend a reduction in the other branches of the public expenditure. The allowance of the contemplated pay to the members of the General Assembly, would seem to me inconsistent with, and a clear departure from that system.

"2. If the bill was intended to operate on the present session only, though I might still think it objectionable, I might not think it so imperatively my duty to interpose my executive veto; but as it is intended to be a general law, and the commencement of a system which might be drawn into dangerous precedent, I cannot suppress my objections, particularly when I reflect that all experience shows it is much easier to increase than diminish such an allowance, when once established in the beginning.

"For these reasons I have felt it my duty to withhold my approbation of the before mentioned bill, which, together with my objections, is herewith returned to the House of Representatives.

"I have the honor to be, with great respect, your ob't. serv't. A. M'NAIR."

ST. LOUIS, 17TH OCT., 1820.

SPECIAL MESSAGES

TO THE SENATE

SEPTEMBER 21, 1820

From the Journal of Executive Business in Senate Journal, p. 196

To the Honorable the Senate of the State of Missouri:

Gentlemen—The constitution of this state, has made it the duty of the Governor, to nominate for your consideration a person as Secretary of State; for which office I take the liberty of nominating Joshua Barton, Esq.

With great respect, your obedient servant,

A. M'NAIR.

ST. LOUIS, SEPTEMBER 21ST. 1820.

TO THE SENATE

SEPTEMBER 21, 1820

From the Journal of Executive Business in Senate Journal, pp. 196-197

Gentlemen:

The Constitution of the state of Missouri has directed that an Attorney General, shall be appointed by the Governor, by and with the consent of the Senate, to fill which office I beg leave to nominate Edward Bates, Esq.

With great respect, your obedient servant,

A. M'NAIR.

ST. LOUIS, 21ST SEPTEMBER, 1820.

TO THE SENATE

SEPTEMBER 26, 1820

From the Journal of Executive Business in Senate Journal, pp. 199-201

Gentlemen of the Senate:

I have had under consideration a resolution of the Senate, of the 22d September, instant, disagreeing to recog-

nize the nomination of Joshua Barton, Esq., to be appointed secretary of the state of Missouri, which nomination was made by the governor of the said state to the Senate; and also a notification of the same date, from the Senate informing the governor, "by virtue of the power vested in the Senate by the constitution of this state, the Senate do advise and consent, that Joshua Barton, esquire, should be appointed secretary of this state by the governor thereof. And, after the most mature deliberation which I have been able to bestow upon the subject, find myself under the disagreeable necessity of declining, at present, to make the appointment, entertaining an opinion different from that of the Senate as to the constitutional manner of appointing that officer.

According to the constructions which the Senate put upon the constitution, that body is in the first instance to advise and consent who shall be appointed to this office, and the Governor shall thereupon appoint such person without exercising any discretion in the matter.

According to the construction which the Governor had put upon the constitution, he was in the first instance to nominate or propose, the person to be appointed, and the Senate could assent or dissent to the appointment proposed, in which latter case other nominations could be made until the Governor and Senate concurred.

Differing thus widely in opinions it becomes necessary to enter into the reasons upon which those opinions are founded, in order that the doubt on one side or the other may be removed, and a correct construction to be put upon the constitution in the first instance, to serve as a precedent hereafter.

Article 3, section 21, provides that "there shall be a secretary of state, whom the Governor by and with the advice and consent of the Senate shall appoint." In the first place it does not appear to me that the words of this clause, will bear the construction put upon them by the Senate.

By that construction the Senate do to all intents and purposes appoint, and the Governor merely commission. I

am obliged to believe if the makers of the constitution, had ntended to vest such a power in that body, they would have employed more apt and less ambiguous words, especially as they had before them so many constitutions and laws, in which provisions were to be found for appointing by one authority, and conferring by another, in all of which the idea is clearly and unequivocally expressed.

But in the case before us the Governor is to appoint, he is to do the efficient act, and the Senate are to advise and consent, now it would seem that the act to be done, should first be proposed before advice and consent as to the propriety of doing it can properly be given.

The Governor cannot appoint until the Senate do consent, but it does not follow that he is necessarily obliged to do precisely what they advise and consent to the word advise, seems necessarily to convey the idea of discretion, in the person advised to receive or reject the advice given, and consent necessarily carries the idea of a previous proposition to which the consent is given. I therefore, conclude that the words advise and consent were not intended as synonymous command and direction.

If we look to the general tenor and spirit of the constitution, to explain any ambiguity in the particular cause in question, we find nothing to aid the constitution [*sic.*] given by the Senate. It is a favorable object of our republican institutions, and seems to have been particularly so in our own constitution, to guard against the abuse of power by trusting but little in the same hands, and never vesting it in one branch of the government, without placing some where also a controlling power to prevent abuse under our constitution, must officers derive their authority immediately from the qualified electors of those who do not derive their appointments from this source the first in importance, the Judges of the Supreme Courts, the Judges of the Circuit Courts, and the Chancellor, the Governor nominates, and by and with the advise and consent of the Senate appoints. And one very important office the Treasurer, is appointed by a joint vote of the two houses of the general assembly.

But it is remarkable that in no single instance is the appointment of any officer of a general public nature, in clear express unambiguous terms, vested exclusively in either branch of the general assembly, it is fairly to be inferred that was not a favorite manner of appointment, and if we are compelled in a doubtful case to resort to intendment, and construction, it should be in favor of those modes of appointment adopted in other cases, where there is no ambiguity of expression. I therefore conclude from the general spirit of the constitution, that the appointment of a secretary of state, was intended to be vested in the Governor and Senate, each possessing a controlling authority, to operate as a check upon the other, and that the appointment ought to be made in the manner pointed out by the constitution itself in other similar cases. If we look to those approved constitutions, the principles of which are so frequently incorporated into our own, we find no instance of such power being vested exclusively in one branch of the legislature.

The modes of appointing usually adopted in those constitutions, are either by joint vote of the two houses or by the governor and senate, in which latter case the governor nominates, and by and with the advice and consent of the senate appoints. I cannot therefore believe that our convention intended to adopt a new mode of appointing a secretary and other officers; a mode which has not been tested by the experience of our mother states, which is at variance with the principles of our constitution adopted in so many other cases, and which is expressed in language that certainly leaves room to doubt whether such was the intention. For these reasons which are respectfully submitted to the senate, I have been induced to defer the appointment which they have advised and consented should be made; and to request of that body a reconsideration of the subject.

I have the honor to be very respectfully, your obedient servant, A. M'NAIR.

ST. LOUIS, 25TH SEPT., 1820.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1820

From the Journal of the Senate, p. 29

To the Senate and House of Representatives:

I transmit to the General Assembly a copy of a resolution of the General Court of the state of New Hampshire, upon the subject of an interchange of laws between that and the respective states of the union, which resolution, together with the three sets of statutes of that state, passed at the last session of the General Court, have been forwarded by the Secretary of that State to the Secretary of Missouri, for the use of this state.

The Secretary of the state of Pennsylvania, in obedience to an act of the Legislature of that state, has transmitted to the executive of this state, three copies of the laws passed at the last session of the Legislature of that state, one copy for each branch of the General Assembly, and one for the use of the executive department, and also one copy of Smith's edition of the laws of Pennsylvania, consisting of five volumes, commencing the 14th day of October, 1700, and ending with the 31st day of March, 1812.

From the executive of Virginia, similar demonstrations of the friendly feelings of that state towards our government have been given, by the valuable present of a complete collection of the laws of Virginia, from the first session of a legislature therein, in 1619 down to the year 1755, and also a collection in two volumes after a revisal and re-enactment of all the laws of a general and permanent nature now in force in Virginia, with a copy of the last session of the legislature of that state.

Considering the great advantage this state must derive from an interchange of statutes with our sister states, I will recommend to the General Assembly the propriety of passing a resolution consenting to the proposition of the

senate of New Hampshire, and authorizing the executive to reciprocate the friendly attentions of other states, that may favor us with the gift of their statutes.

I have the honor to be, very respectfully,

Your ob't serv't,

A. M'NAIR.

ST. LOUIS, SEPT. 28TH, 1820.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 1820

From the Journal of the House of Representatives, pp. 58-59

To the Senate and House of Representatives:

The Constitution having made it the duty of the Governor to recommend to the consideration of the General Assembly, such measures as he shall deem necessary and expedient, I have thought proper to communicate to you my sentiments on the subject of amending the Constitution.

It is not to be expected that any Constitution could be found, which in all its details would meet the particular views of all the governed accordingly we find several provisions in our own, which are more or less objected to, such would doubtless be the fate of all the amendments which could be adopted.

Prudence and wisdom dictate the policy of interfering as seldom and as little as possible with those fundamental principles of government, upon the stability and permanency of which depend in a great degree the blessings of civil society, and in no case should it be done until we are assured both of the existence of the evil and the efficiency of the remedy proposed. The same reason however does not seem to apply, with the same force to any provisions which do not in their nature properly appertain to a Constitution. On this description I am obliged to view, these parts of our Constitution which fix the salaries of the Governor, the Judges and Chancellor.

The salary of an officer is a question of expediency, not principle its amount must result from a consideration of the talents required in the office, the duties to be performed, and the ability of the people to pay, of course it must change with times and circumstances, and therefore properly belongs to ordinary legislation. Viewing as I do the subject of salaries, as unadvisedly introduced into the Constitution of our state, I feel it my duty to recommend an amendment, in that particular.

I have the honor to be very respectfully, your obedient servant, A. M'NAIR.

ST. LOUIS, 12TH OCTOBER, 1820.

TO THE SENATE

NOVEMBER 13, 1820

From the Journal of Executive Business in Senate Journal, p. 202

To the Senate of the State of Missouri:

The constitution having made it the duty of the Governor to nominate, and by and with the advice and consent of the Senate to appoint the Judges of the Supreme Court, the Judges of the Circuit Courts, and the Chancellor, in discharge of that duty I have nominated Matthias M'Girk, William Sprigg and Silas Bent, to be Judges of the Supreme Court of the State of Missouri. A. M'NAIR.

ST. LOUIS, 13TH NOVEMBER, 1820.

TO THE SENATE

NOVEMBER 16, 1820

From the Journal of Executive Business in Senate Journal, p. 204

To the Senate of the State of Missouri:

In pursuance of the authority vested in me, I nominate William Harper and John D. Cook, to be judges of the supreme court of the state of Missouri. A. M'NAIR.

ST. LOUIS, 16TH NOVEMBER, 1820.

TO THE SENATE

NOVEMBER 27, 1820

From the Journal of Executive Business in Senate Journal, p. 206

To the Senate of the State of Missouri:

Owing to some embarrassment that has taken place in the appointment of judges of the supreme court, I have taken some time to reflect and satisfy my own mind, as to the most suitable persons to nominate for judges of the supreme court, and for chancellor. I now nominate John Rice Jones to be judge of the supreme court, and William Harper to be chancellor of the state of Missouri.

A. M'NAIR.

ST. LOUIS, NOVEMBER 27, 1820.

TO THE SENATE

NOVEMBER 30, 1820

From the Journal of Executive Business in Senate Journal, p. 206

To the Senate of the State of Missouri:

In pursuance of the constitution, and the act of the general assembly, in that case made and provided, I nominate Rufus Pettibone, to be circuit judge of the second judicial circuit, and William C. Carr, esquire, to be circuit judge of the third judicial circuit in the state of Missouri.

A. M'NAIR.

ST. LOUIS, NOVEMBER 30, 1820.

TO THE SENATE

DECEMBER 2, 1820

From the Journal of Executive Business in Senate Journal, p. 207

To the Senate of the State of Missouri:

In pursuance of the constitution and the act of the general assembly I nominate David Todd, Esq., to be Cir-

cuit Judge of the first Judicial District in the state of Missouri.

A. M'NAIR.

ST. LOUIS, 2D DECEMBER, 1820.

TO THE SENATE

DECEMBER 4, 1820

From the Journal of Executive Business in Senate Journal, p. 207

To the Senate of the State of Missouri:

In pursuance of an act of the general assembly, I nominate James Evins, Esq., to be circuit judge of the fourth judicial circuit, in the state of Missouri.

A. M'NAIR.

DECEMBER 4TH, 1820.

TO THE SENATE

DECEMBER 6, 1820

From the Journal of Executive Business in Senate Journal, p. 208

To the Senate of the State of Missouri:

In pursuance of the constitution, and of the act of the general assembly, I nominate Richard S. Thomas to be circuit judge of the fourth judicial circuit in the state of Missouri.

A. M'NAIR.

ST. LOUIS, DECEMBER 6, 1820.

TO THE SENATE

DECEMBER 7, 1820

From the Journal of Executive Business in Senate Journal, pp. 209-210

To the Senate of the State of Missouri:

In pursuance of the act of the General Assembly, I nominate the following persons to be Justices of the County Courts, that is to say:

For the county of Saline, John D. Thomas, George

Tennill and Bartholomew Gwinn. For the county of Lillard, John Step, John Whitesides, Sr. and James Lillard, Sr. For the county of Cooper, James Bruffie, Archibald Cavanaugh and James Miller. For the county of Cole, James Starks, James Harrison and John Vivan. For the county of Ray, Isaac Martin, Benjamin F. Edwards and John Thornton. For the county of Chariton, James Arickson, William W. Monroe and Hiram Craig. For the county of Howard, James Hickman, David R. Drake and Henry V. Bingham. For the county of Boone, Peter Wright, John Copeland and Andrew Woods. For the county of Callaway, Israel B. Grant, Stephen C. Davis and Benjamin Young. For the county of Montgomery, Irvine Pitman, Isaac Clark and John Wyat. For the county of St. Charles, John B. Callaway, Robert Spencer and Biel Farnsworth. For the county of Lincoln, Ira Cottle, Sharply Ross and Jonathan Riggs. For the county of Pike, Edward Mountjoy, William Stephenson and William Riggs. For the county of Ralls, Peter Journey, William Ritchie and Peter Grant. For the county of Gasconade, Moses Wilton, John Wooloms and William Dodds. For the county of Franklin, John Stanton, Kinkaid Caldwell and Henry Brown. For the county of St. Louis, John C. Sullivan, Robert Simpson and William Sullivan. For the county of Jefferson, Samuel Hammond, Laird B. Boyd and Elias Bates. For the county of Washington, George Brackenride, John Perry, Jr. and George M'Gahan. For the county of Ste. Genevieve, James W. Smith, James Austin and Joseph Pratte. For the county of Madison, Samuel Anthony, Henry Witener and William Dillon. For the county of Perry, David L. Cladwell, Lewis Cicell and Samuel Anderson. For the county of Cape Girardeau, Isaac Shepherd, Joseph Frizzle and George H. Scripps. For the county of Wayne, Benjamin Carter, Jonathan Logan, Sr. and Ransom Bettis. And for the county of New Madrid, Johnson Hunter, Christopher G. Houts and Robert D. Dawson.

A. M'NAIR.

ST. LOUIS, 7TH DEC., 1820.

TO THE SENATE

DECEMBER 7, 1820

From the Journal of Executive Business in Senate Journal, p. 211

To the Senate of the State of Missouri:

In pursuance of the constitution and act of the general assembly, I nominate Nathaniel Beverly Tucker, to be Circuit Judge of the third Judicial Circuit in the state of Missouri.

A. M'NAIR.

ST. LOUIS, DECEMBER 7TH, 1820.

TO THE SENATE

DECEMBER 12, 1820

From the Journal of Executive Business in Senate Journal, p. 211

To the Senate of the State of Missouri:

In pursuance of the constitution, I nominate William Christy, to be auditor of public accounts for the state of Missouri.

A. M'NAIR.

ST. LOUIS, DECEMBER 12TH, 1820.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1821

From the Journal of the House of Representatives, pp. 164-165

To the Senate and House of Representatives of the State of Missouri:

I have approved and signed bills of the following titles, viz.:

An act erecting a part of the counties of Ste. Genevieve, Jefferson, and Washington into a separate county by the name of St. Francois; an act dividing the county of New

Madrid, and erecting the same into two separate and distinct counties; an act establishing and regulating inspections of tobacco within this state; an act for the relief of Jesse Owens; an act authorizing a loan to Neziah Bliss, for the purpose of aiding him in the establishment of iron works within this state; a resolution relative to the petition of the inhabitants residing on the Upper Gasconade; an act for the relief of James Jones, sheriff and collector of Pike county, and an act fixing the permanent seat of government.

As it respects 'an act for the relief of John W. Thompson, late sheriff of St. Louis county,' I have thought proper to withhold my signature and approval, because by the provisions of that act my individual interest is materially affected. The act is herewith returned to the General Assembly, to be disposed of in such manner as they may deem most proper.

A. M'NAIR.

ST. CHARLES, JANUARY 3D, 1821.

TO THE SENATE

JUNE 20, 1821

From the Journal of Executive Business in Senate Journal, p. 212

To the Senate of the State of Missouri:

In pursuance of the act of the general assembly, I nominate the following persons to be Justices of the county courts, to wit:

For the county of New Madrid, Mark H. Stalcup instead of Christopher G. Houts, resigned. For the county of Lincoln, John Geiger instead of Stapley Ross, resigned. For the county of Boone, Lazarus Wilcox, instead of John Copeland, resigned. For the county of Howard, Thomas Conway, instead of James Hickman, resigned. For the county of Montgomery, Benjamin Sharp, instead of Isaac Sharp, resigned. For the county of Jefferson, Abner Vanzandt, instead of Laird Boyd, resigned. For the county of

Pike, James C. Phelan, instead of William Riggs, resigned. For the county of Madison, Joseph Bennett, instead of Henry Witener, resigned. For the county of Wayne, Isaac E. Kelly, instead of Benjamin Carter, resigned. And also for the county of Wayne, Nathaniel Dennis, instead of Ransom Bettis, who did not accept of his appointment.

A. M'NAIR.

ST. CHARLES, 20TH JUNE, 1821.

TO THE SENATE

JUNE 20, 1821

From the Journal of Executive Business in Senate Journal, pp. 212-213

To the Senate of the State of Missouri:

J. Frizzle, one of the justices of the county court for the county of Cape Girardeau, having resigned his office as such, and Mark M. Stalcup, who was commissioned as one of the justices of the county court for the county of New Madrid, having refused an acceptance, I nominate Stephen Byrd to supply the vacancy occasioned by the former gentleman, and Robert G. Watson that of the latter.

A. M'NAIR.

ST. CHARLES, 20TH JUNE, 1821.

TO THE SENATE

JUNE 26, 1821

From the Journal of Executive Business in Senate Journal, p. 213

Gentlemen of the Senate of the State of Missouri:

It is with regret that I have to announce to the senate, that the office of secretary of state has become vacant, by the resignation of its late worthy incumbent, Joshua Barton, Esq., whose ill health has compelled him to leave the state for a short time. I had hoped for a longer continuance of his assistance in the discharge of the arduous duties of my station, and that the public would have continued to retain

the services, and to reap the benefit of the talents and integrity of so good an officer. To supply the vacancy occasioned bv the resignation of Mr. Barton, I nominate to the senate William G. Pettus, Esq., as a man high in my confidence, and a suitable person to fill the office of secretary of state.

A. M'NAIR.

ST. CHARLES.

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 1821

From the Journal of the House of Representatives, p. 13

EXECUTIVE OFFICE, ST. CHARLES, November 6, 1821.

Sir:

I transmit to you herewith a letter directed to me, it contains as I am informed the report of the commissioners appointed for the purpose of selecting a suitable place thereon to locate the permanent seat of Government.

Very respectfully, Sir your obedient servant,

A. M'NAIR.

H. S. GEYER, SPEAKER, HOUSE OF REPRESENTATIVES.

TO THE SENATE

NOVEMBER 7, 1821

From the Journal of the Senate, p. 20

To the Senate and House of Representatives of the State of Missouri:

I transmit to the General Assembly an authenticated copy of the President's proclamation of the 10th of August last, declaring the admission of the state of Missouri into the Union to be complete.

Also certain resolutions of the General Assembly of the state of Illinois, and a report of the committee, and resolutions of the General Assembly of the state of Louisiana in relation to the establishment of certain hospitals within that state.

A. M'NAIR.

ST. CHARLES, NOVEMBER 7, 1821.

TO THE SENATE

NOVEMBER 8, 1821

From the Journal of Executive Business in Senate Journal, p. 214

To the Senate of the State of Missouri:

Since the adjournment of the general assembly, in June last, Edward Bates, esquire, the attorney general of the state, has resigned his office as such; Rufus Easton, esquire, has been appointed, during the recess, to succeed him; and who I now nominate to fill that office.

A. M'NAIR.

ST. CHARLES, 8TH NOVEMBER, 1821.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 1821

From the Journal of the Senate, p. 34

To the Senate and House of Representatives of the State of Missouri:

In pursuance of your Resolution of the 14th inst. I herewith transmit to the General Assembly an abstract of the enumeration of the inhabitants of the State of Missouri (with the exception of the counties of Cape Girardeau and Madison), on the first day of September, 1821, as taken and certified by the different Sheriffs in pursuance of an act of the General Assembly of the State of Missouri, approved November 25th, 1820.

The Sheriffs of Cape Girardeau and Madison have not yet reported, so soon as they do, an additional abstract will be communicated to the General Assembly. I deem it proper here to remark that in consequence of irregularities in many of the returns I am unable to designate in separate columns the different ages of the inhabitants as was contemplated by the act.

A. M'NAIR.

ST. CHARLES, 19TH NOVEMBER, 1821.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

NOVEMBER 27, 1821

From the Journal of the Senate, p. 52

To the Senate and House of Representatives of the State of Missouri:

In pursuance of your Resolution of the 14th instant, I now transmit to the General Assembly an abstract of the enumeration of the Inhabitants of the counties of Cape Girardeau and Madison, as the same has been reported to me by the sheriffs of those counties.

A. M'NAIR.

ST. CHARLES, 27TH NOVEMBER, 1821.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 1821

From the Journal of the Senate, p. 68

EXECUTIVE OFFICE, ST. CHARLES, December 1, 1821

Sir—I transmit to the General Assembly a report accompanied by certain resolutions passed by the legislature of the state of New Hampshire.

And have the Honor to be very respectfully,

Your obd't servt.,

A. M'NAIR.

HON. H. S. GEYER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 1821

From the Journal of the House of Representatives, p. 130

To the House of Representatives of the State of Missouri:

In pursuance of your resolution of the 3d instant, I herewith transmit to the General Assembly, a letter from

William Clark, Esq., late Governor, and one from Frederick Bates, Esq., late secretary, in relation to the records of the late territorial government of Missouri. I deem it unnecessary for the General Assembly to pass any act on that subject. A. M'NAIR.

ST. CHARLES, 20TH DEC., 1821.

TO THE SENATE

DECEMBER 20, 1821

From the Journal of Executive Business in Senate Journal, p. 214

To the Senate of the State of Missouri:

I now nominate the following persons as justices of the county court, to supply vacancies which have occurred: Elisha Cameron, Esq. to be justice of the county court, for the county of Ray, in the place of Benjamin F. Edwards, removed; Daniel Ashby, to be a justice of the county court, for the county of Chariton, in the place of William W. Monroe, resigned; Joseph C. Garnier, to be a justice of the county court, for the county of St. Louis, in the place of William Sullivan, deceased; James Russell, to be a justice of the county court, for the county of Cape Girardeau, in the place of Stephen Byrd, who refused to accept; Thomas Shackleford to be a justice of the county court, for the county of Saline, in the place of John D. Thomas, who refused to accept. A. M'NAIR.

ST. CHARLES, 20TH DEC., 1821.

TO THE SENATE

DECEMBER 21, 1821

From the Journal of Executive Business in Senate Journal, p. 215

ST. CHARLES, December 21, 1821.

CONFIDENTIAL.

To the Senate of the State of Missouri:

William Christy, esquire, auditor of public accounts for the state of Missouri, by his letter to me, of this date, has

resigned his office as such. To supply the vacancy occasioned by this resignation, I nominate William V. Rector, esquire as a fit and proper person to be appointed to that office. A. M'NAIR.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

DECEMBER 26, 1821

From the Journal of the Senate, pp. 123-124

To the Senate and House of Representatives of the State of Missouri:

I have this day received the resignation of Peter Didier, Esq., Treasurer of the state of Missouri with a request that the same be communicated to the General Assembly of this State. A. M'NAIR.

ST. CHARLES, DEC. 26TH, 1821.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1822

From the Journal of the Senate, p. 156

To the Senate and House of Representatives of the State of Missouri:

Believing as I do that the permanent interests of the state much depends upon the establishment of manufactories calculated to bring into active operation, the natural and acquired resources with which we are so bountifully supplied, I cannot withhold from you my sentiments on that subject.

I would suggest the propriety of placing in the hands of the commissioners of each Loan Office District a proportion of a given sum, in certificates, to be loaned by them as may be directed by law, to enterprising citizens of the

respective districts, for the purpose of erecting such works within the limits, as may be by them thought most beneficial to the people of such districts.

As we are all prompted by the same general views of interest for the good of our fellow citizens, and the prosperity of our infant state, in the adoption of all measures having for its object the promotion of the same. Each section of the state should participate in the liberality of the Government.

A. M'NAIR.

ST. CHARLES, 3D JANUARY, 1822.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1822

From the Journal of the House of Representatives, p. 167

EXECUTIVE OFFICE, ST. CHARLES, January 3, 1822.

Sir—I enclose you herewith a communication from the Surveyor General of the states of Illinois and Missouri and territory of Arkansas, together with sundry documents in relation to the permanent seat of government.

I have the honor to be,

Most respectfully, your obt. servt.,

A. M'NAIR.

HON. HENRY S. GEYER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TO THE SENATE

JANUARY 3, 1822

From the Journal of Executive Business in Senate Journal, p. 215

CONFIDENTIAL.

To the Senate of the State of Missouri:

In order to supply the vacancies in the offices of justices of the county courts, the following persons are nominated: Thomas C. Powell and George G. Alford, to be justices of the county court, for the county of New Madrid; Richard Walthens, Andrew M. Ramsey and Thos. Houts, to be

justices of the county court, for the county of Scott; John English and Reubin Smith, to be justices of the county court for the county of Cole; James Snowden and James Wells, to be justices of the county court, for the county of Ray; Elisha Cameron, James Gilmore and John Thornton, to be justices of the county court, for the county of Clay.

A. M'NAIR.

ST. CHARLES, 3D JANUARY, 1822.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 10, 1822

From the Journal of the House of Representatives, p. 191

EXECUTIVE OFFICE, ST. CHARLES, January 10, 1822.

Sir—I have the honor herewith to transmit to you a memorial of the mayor, alderman and common council of the city of Washington, in the district of Columbia, to the Senate and House of Representatives of this state.

I am very respectfully, sir, your ob't. serv't.,

A. M'NAIR.

HON. H. S. GEYER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TO THE SENATE

JANUARY 12, 1822

From the Journal of Executive Business in Senate Journal, p. 216

CONFIDENTIAL.

To the Senate of the State of Missouri:

The following persons are nominated as justices of the county court: James D. Campbell, of the county of Cooper, in the place of James Bruffie, removed from the county; John M'Ilvane, for the county of Washington, in the place of George M'Gahan; Jas. Austin, George M'Gahan and James W. Smith, for the county of St. Francois; James H. Relf and John B. Bossier, for the county of Ste. Genevieve.

A. M'NAIR.

ST. CHARLES, 12TH JANUARY, 1822.

TO THE SENATE

JANUARY 12, 1822

From the Journal of Executive Business in Senate Journal, p. 216

CONFIDENTIAL.

To the Senate of the State of Missouri:

I take the liberty of nominating John L. Barret, to be a justice of the county court, for the county of Ste. Genevieve.

A. M'NAIR.

ST. CHARLES, 12TH JANUARY, 1822.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1822

From the Journal of the Senate, p. 25

To the Senate and House of Representatives of the State of Missouri:

In compliance with your resolution, I have to state for the information of the House, that no loans have been made or applied for in pursuance of an act authorizing a loan to Neziah Bliss, for the purpose of aiding him in the establishing of iron works, nor has any been made or applied for in pursuance of the act supplementary to an act entitled an act authorizing an amount of loan office certificates to be placed in the state treasury, for the purpose of redeeming the certificates drawn by the auditor of public accounts on the state treasurer.

I have in my possession, official documents to prove that the proposed amendments to the constitution of the state, adopted at the June session, 1821, have been printed in every newspaper printed in the state, three several times at least twelve months prior to the last general election.

A. M'NAIR.

ST. CHARLES, 8TH NOVEMBER, 1822.

A true copy, test,

TH. DOUGLASS, CLK. H. R.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 1822

From the Journal of the Senate, p. 50

To the Senate and House of Representatives of the State of Missouri:

By an act passed at the last session of the General Assembly, Richard Matson, of the county of Ralls, Henry Dodge, of the county of Ste. Genevieve, and Julius Emmons, of the county of Lillard, were appointed commissioners for the purpose of selecting six additional salt springs for the use of the state of Missouri, and by the provisions of that act they were directed to meet at the town of Louisiana, on the third Monday in September last to enter upon the duties of their appointment.

Subsequent to the day fixed by law for their meeting, the two first named commissioners resigned, and as I had not the power then to fill the vacancy, the provisions of that act have not been complied with. I would, therefore, suggest to the General Assembly the propriety of appointing other commissioners to supply the vacancies.

Signed, A. M'NAIR.

ST. CHARLES, 22D NOVEMBER, 1822.

A true copy,

TH. DOUGLASS, CLK. H. R.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 1822

From the Journal of the Senate, p. 80

To the Senate and House of Representatives of the State of Missouri:

By the 99th section of an act to amend and reduce into one the several acts of the General Assembly, for regulating

the militia of the state, approved the 11th of January, 1822, it is made the duty of the executive of this state at the expense of the state, to procure or cause to be printed a sufficient number of the copies of the rules of discipline as now established under the authority of Congress, for the government and exercise of the armies and militia of the United States, and cause the same to be distributed one to each commissioned officer in the militia of this state, but finding the expense would so far exceed what the General Assembly could possibly have anticipated, I deemed it prudent to decline incurring such an expense, until the subject could be communicated to the present General Assembly.

For seven hundred copies I should have been compelled to pay a sum not less than two thousand dollars.

A. M'NAIR.

ST. CHARLES, 2D DECEMBER, 1822.

Attest,

TH. DOUGLASS, CLK. H. R.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 1822

From the Journal of the House of Representatives, p. 125

I have the honor herewith to transmit, in pursuance of your resolution of the 21st ultimo, a list of lands which have been sold to the late territory of Missouri, and also a list of lands which have been sold to the State of Missouri, for the non-payment of taxes.

A. M'NAIR.

ST. CHARLES, 6TH DECEMBER, 1822.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 1822

From the Journal of the House of Representatives, p. 132

I have the honor to transmit herewith a proposition of Major John R. Guy of the 1st regiment of Missouri Militia,

for furnishing to this state a military system of exercise and manoeuvres. This work has been examined at my request by Brigadier General Robbins. His letter on the subject is herewith enclosed, as also the letter of General Brown and Governor Clinton, and the proceedings of the legislature of the state of New York, as referred to by Major Guy; all which is submitted for your consideration.

A. M'NAIR.

ST. CHARLES, 6TH DECEMBER, 1822.

PROCLAMATIONS

ON THE VOTE FOR A REPRESENTATIVE IN CONGRESS

SEPTEMBER 28, 1820

From The Missouri Gazette, St. Louis, Oct. 3, 1820

WHEREAS, I, ALEXANDER M'NAIR, Governor of the state of Missouri, having cast up and arranged the votes returned to the office of the Secretary of State, from the several counties of St. Charles, Pike, Lincoln, Montgomery, Howard, Cooper, St. Louis, Jefferson, Washington, Ste. Genevieve, Cape Girardeau, Wayne, and New Madrid, given for a representative in the Congress of the United States, for the residue of the sixteenth Congress, at an election held on the fourth Monday in August last, do find that there were given for John Scott as such representative, at the said election, in the counties aforesaid, five thousand three hundred and eighty votes; which being the highest number of votes given to any person as such representative—NOW THEREFORE, I do issue this proclamation declaring the said John Scott to be duly elected a representative from this state, in the Congress of the United States, for the residue of the sixteenth Congress.

In Testimony Whereof, I have hereunto affixed my private seal, (there being no seal of state yet provided.) Given under my hand at St. Louis, the twenty-eighth day of September, A. D. 1820, and of the Independence of the United States the forty-fifth.

A. M'NAIR, (L. S.)

By the Governor,

JOSHUA BARTON, Secretary of State.

CALLING A SPECIAL SESSION OF THE GENERAL ASSEMBLY

APRIL 20, 1821

From The Missouri Gazette, St. Louis, May 2, 1821

WHEREAS, great and weighty matters claiming the consideration of the General Assembly of the state of Missouri, form an extraordinary occasion for convening them, I do by these presents, appoint MONDAY the fourth day of June next, for their meeting at the town of Saint Charles, the temporary seat of government for this state: Hereby requiring the respective Senators and Representatives then, and there to assemble in General Assembly in order to receive such communications as shall then be made to them, and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the state.

In Testimony Whereof, I have hereunto affixed my private seal (there being no seal of state yet provided.) Given under my hand, at St. Charles, the twentieth day of April, in the year of our Lord one thousand eight hundred and twenty-one, and of the independence of the state of Missouri the first.

A. M'NAIR.

By the Governor,
JOSHUA BARTON, Secretary of State.

FIXING DATE FOR ELECTION OF A PRESIDENTIAL ELECTOR

JULY 23, 1824

From The Missouri Republican, St. Louis, August 9, 1824

WHEREAS, by an act of the General Assembly of the state of Missouri, entitled "an act laying off the state into districts for the purpose of choosing electors to elect presi-

dent and vice-president of the United States," approved 17th Dec., 1822, it is provided that the state shall be divided into three districts, and that the qualified voters in each, shall meet at their respective places of holding elections, and choose one fit and proper person as elector for President and vice-president of the United States. But as no day is appointed by the act, on which the election shall be held, I have thought fit, in order that the law may be executed, to issue this my proclamation, requiring the qualified voters in the several districts, to meet at their respective places of holding elections, on Monday the first day of November next, and then and there give their votes for an elector, agreeably to the provisions of the said act.

In Testimony Whereof, I have hereunto set my hand & caused the great seal of the state of Missouri to be affixed. Done at St. Charles, this 23rd day of July, A. D. one thousand eight
(SEAL) hundred and twenty-four, and of the Independence of the United States, the forty-ninth.

A. M'NAIR.

By the Governor,
WM. G. PETTUS, Sec. of State.

OFFERING A REWARD

OCTOBER 18, 1824

From The Missouri Republican, St. Louis, Nov. 4, 1824

WHEREAS, it has been represented to the Executive by the Sheriff of St. Louis County, that

LOVEL SNOWDEN,

who was convicted at the last term of the Circuit Court of Lillard county of manslaughter, and sentenced by the Court to three years imprisonment and to pay a fine to the state of one thousand dollars, has made his escape, and is now going at large: I have therefore thought proper to offer a

reward of ONE HUNDRED DOLLARS to any person or persons who will apprehend and convey to the jail of St. Louis county, the said Lovel Snowden, and I do moreover require all officers, civil and military, and exhort the good people of the State, to use their best endeavors to cause the said fugitive to be apprehended that the sentence of the Court may be enforced.

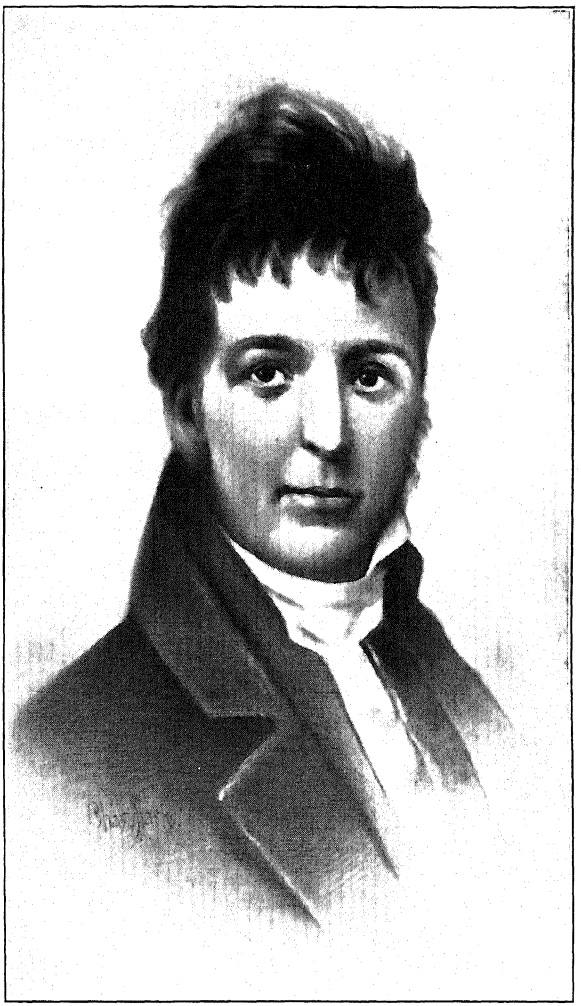
In Testimony Whereof, I have hereunto set my hand and caused the great seal of the state of Missouri to be affixed. Done at St. Charles (SEAL) this eighteenth day of Oct. A. D. one thousand eight hundred & twenty-four, & of the Independence of the United States the forty-ninth.

A. M'NAIR.

By the Governor:

WM. G. PETTUS, Sec'y of State.

GOVERNOR FREDERICK BATES



FREDERICK BATES
Governor 1824-1825

FREDERICK BATES

BY

CHARLES W. BATES AND EDWARD J. WHITE

Any fragments of history in connection with the outstanding patriots, contemporaries of our Colonial Fathers, who founded our Republic, are always of interest to thoughtful citizens.

Missourians, especially, are interested in everything pertaining to the lives of the statesmen connected with the birth of our own commonwealth. Even before our statehood, the Bates family was prominent in the affairs of Missouri.

The subject of this article, Frederick Bates—second Governor of Missouri—was the fourth of twelve children. He was born June 23, 1777, in Belmont, Goochland county, Virginia, and died August 3, 1825, while governor of Missouri, at his home, "Thornhill," in St. Louis county.

He was the son of Thomas Fleming Bates, a soldier of the Revolution under Washington, and Caroline Matilda Woodson Bates, Quakers of Virginia.

That Governor Bates soon exhibited the ability which later made him one of the Western lieutenants of President Jefferson is evidenced by the fact that, while still in his 'teens, he was engaged in business in Virginia. He was the postmaster at Goochland Courthouse, having been appointed by Joseph Habersham, postmaster-general, February 23, 1796, and was in the recorder's office for a time.

In 1797, at the age of about twenty, he went to Detroit, starting the trip on horseback and making the greater part of the journey that way.

During the time that he was postmaster and in the office of the recorder, and after reaching Detroit, he assiduously and earnestly engaged in the study of law.

That he was, at this time, a young man of quick temper and also of some physical prowess will appear from an

altercation that he had during this journey with a landowner who refused to let him spend the night at his house and who intimated that, from his youthful appearance, he had perhaps run away from home.

After engaging in mercantile pursuits at Detroit, he was appointed deputy postmaster at that place by Gideon Granger, postmaster-general of the United States, on October 14th, 1802.

While at Detroit, he acquired a knowledge of the French language and a familiarity with the habits and customs of the French settlers in that region which were of value to him in his later intercourse with the early French settlers and pioneers in Missouri.

By the year 1803, when the future Governor Bates was twenty-six years old, he commenced to solicit the influence of his father and brothers for political preferment in the new section to which he had removed. In October, 1804, in addition to his duties as postmaster, Frederick Bates was appointed by Albert Gallatin, secretary of the treasury, receiver of the public moneys of Detroit. On March 3rd, 1805, President Jefferson appointed him first United States Judge for the Territory of Michigan.

During the year 1806, Judge Bates held court at River Raisin in the Erie District, and, during the month of June, the same year, he held court in the Michelemackinac District, and his instructions to the grand juries in these courts have been preserved and are now in the possession of the Jefferson Memorial Association at St. Louis, and also of Miss Lucia Lee Bates of Ironton, Missouri, who has conscientiously treasured every record she could obtain bearing on the official life of her grandfather, Judge Bates.

While acting as District Judge, Judge Bates, in conjunction with Mr. George Hoffman, acted as Land Commissioner for the Territory of Michigan, and, on December 1st, 1806, made a lengthy report and finding, in connection with Commissioner Hoffman, upon various land claims and titles in the Michigan Territory to the Hon. Albert Gallatin, Secretary of the Treasury.

Later, during the month of December, 1806, Governor Hull referred to Judge Bates a bill which he had forwarded to Congress for payment of expenses in building stockades for the public defense against the Indians, and he solicited the approval of Judge Bates for the various items of expense set forth in his report.

Judge Bates was appointed secretary of the Louisiana Territory by President Jefferson in the early spring of 1807, and removed to St. Louis, Missouri—an office to which he was re-appointed by President James Monroe on January 10, 1811, and, likewise, re-appointed by President Monroe on November 19th, 1819, while John Quincy Adams was acting secretary of state.

His new duties as secretary and commissioner of the Louisiana Territory did not prevent Judge Bates from using his influence for the friends he had left at Detroit, as we find, in looking through his correspondence, that, during the year 1807, he was consulted by different friends at Detroit regarding the effort to remove Governor Hull, by friends who desired to succeed him as Judge, who desired the appointment of District Attorney, and as Indian Agent for the Michigan Territory.

But, as we must now follow Judge Bates in his new environment, the limitations of this sketch will prevent any further digressions regarding events and the affairs of his friends in the Michigan Territory.

Judge Bates was appointed secretary of the Louisiana Territory during the administration of General James Wilkinson as governor, and, during much of the time of General Wilkinson's administration as governor of the Louisiana Territory, Judge Bates was acting governor.

He was also secretary of the Territory under Governors Lewis, Howard and Clark, and, during this period, because of his experience in judicial matters, he exerted a great influence in shaping the judicial and legislative policies of the Louisiana Territory and exercised a great influence also in the conduct of public affairs in the formative period of our State's history.

Judge Bates was the author of the first book published in St. Louis, being a compilation of the Laws of the Territory of Louisiana, published in 1808. This book was entitled, THE LAWS OF THE TERRITORY OF LOUISIANA, by Frederick Bates. It was a book of three hundred and seventy-two pages, and was printed by Joseph Charless, Sr.

On July 3d, 1807, Judge Bates, as secretary of the Louisiana Territory, with John B. C. Lucas and Otho Strader, judges, promulgated "An Act Establishing Courts," which provided for five judges of the Common Pleas and Quarter Sessions Court, to be appointed by the governor, in each district every four years, two to be a quorum to hold court, and providing for three terms annually in each district. The terms to be held in St. Louis were on the first Monday in March, July and November.

At the June Term, 1807, of the Common Pleas Court, at St. Louis, Silas Bent presented his commission from Frederick Bates, secretary of the acting governor, appointing him first Justice of the Common Pleas, and this is the first official act of Judge Bates as Secretary of the Louisiana Territory on record.

History affords conclusive evidence that Judge Bates enjoyed the confidence of President Thomas Jefferson, and it was one of the traditions that he was given one of the earliest federal appointments at St. Louis and was sent here by President Jefferson to watch Aaron Burr and to report confidentially what he was accomplishing in this Territory.

However this may have been, this was certainly not the only service performed by Judge Bates. His activities in the territorial period were notable, and he and his brother, Edward Bates, Lincoln's attorney-general, were equally prominent with the Bartons in various ways in the making of Missouri as a State, and, as remarked by Mr. Floyd Shoemaker, in MISSOURI'S STRUGGLE FOR STATEHOOD, and by Mr. Walter B. Stevens, in his CENTENNIAL HISTORY OF MISSOURI, these men were among the "Fathers of the State."

Notwithstanding the death of his brother, as the result

of a duel, on the enactment by the Missouri Legislature in 1824-1825 of a drastic bill providing for a public flogging of parties engaged in a duel, Governor Bates vetoed the bill, and, in his report to the Legislature, said:

"I am happy on this occasion to record my utter detestation and abhorrence of dueling. My duty as to my neighbors and to myself would compel me as well in my private as in my public capacity to discountenance and put down, if possible, so barbarous and so impious a practice."

But, as observed by Mr. Walter Stevens, in his CENTENNIAL HISTORY OF MISSOURI:

"He could not see the way clear to sign a bill which made the lash the punishment for fighting a duel."

The Missouri Senate, by a two-thirds vote, passed the bill over the Governor's veto, but the House failed to agree to this, so the bill was lost.

Space will not permit us to chronicle the multitudinous labors performed by Judge Bates while secretary of the Louisiana Territory, but suffice it to say that he was ever active and influential in assisting his friends and the citizens of this, then vast and undeveloped section of our country, over a hundred years ago.

He had great force of character and left a marked impress upon the early history of Missouri, and the City of St. Louis.

In 1819, he was married to Nancy Ball, who was a daughter of Col. John S. Ball of St. Louis County. After his marriage, Judge Bates established his homestead in Bonhomme Township near St. Louis. He had an estate of a thousand acres near what is now known as the Town of Chesterfield. His place was known as "Thornhill." The mansion had columns in front and a double portico and, after the custom of his native State of Virginia, a family burial plot was set apart on the estate.

So potent had he become as a factor in the new State that, in 1824, on the expiration of Governor McNair's term as Governor, Judge Bates made the race for Governor against William Ashley, of the Rocky Mountain Fur Com-

pany. There was, perhaps, no stronger opponent against whom Judge Bates could have been pitted than this same William Ashley, who had made a fortune and a fine reputation as the successful head of the Rocky Mountain Fur Company.

As St. Louis was founded originally as a fur trading settlement, with the growth and development of the town, the fur trade had outstripped all other industries.

As presented by Washington Irving in his history of the Rocky Mountain fur territory, Ashley was one of the most striking characters of that period and one of the most successful.

The contest for the nomination for Governor was spirited. While the old residents, as a rule, supported Bates, the newcomers rallied to the support of the bold fur trader. However, Judge Bates was successful.

It was during Governor Bates' term of office as second Governor of Missouri that General Lafayette visited St. Louis. While General Lafayette was entertained in Illinois at the expense of the State, the Missouri Legislature made no appropriation for his entertainment, but, to emphasize the private form of entertaining the distinguished guest, Governor Bates absented himself from the State capital and made this explanation in writing, the original of which is preserved by the Missouri Historical Society in the "Bates' Collection of Papers:"

"During the session of the Legislature, I informed the two houses of the intention of Gen. Lafayette to visit the State in the month of April or May, that they might, if they thought proper, cause him to be received as the guest of the nation.—They made no order, they gave to me no instructions.—My judgment entirely coincided with theirs.—They, as well as myself, entertain for the General the most perfect respect—but truly he has had already sufficient evidence of the cordiality and good will which a free and enlightened People are always disposed to show to their friends—and of that homage, too, which ought to be reserved to the illustrious assertor of the equal rights of mankind.—His devotions at the holy sepulchre of Washington—his visits to our renowned ex-President—his transit through our Atlantic cities—his laborious attendances in the halls of our national Legislature with sundry et cetras ought, one would think, be sufficient to exhaust the patience of the General.—Spare him, I pray you—the subject is sufficiently under-

stood and sufficiently cited—there is no personal sacrifice we would not make on this occasion—but enough of pageantry—something is due to principle—and I am afraid that amidst this ostentation and waste, the wounds of our revolution, etc., which yet survive, many of them in poverty, or but lately relieved, might cause these veterans to make comparisons very little to the credit of the nation. As an individual, it would be altogether immaterial whether I kissed the hem of his garment or not—as the Governor of the State I shall not wait on him since the General Assembly had not thought proper to give the first impulse. It has, however, been suggested that he may personally take it into his head to search me up, either at St. Charles or on the hills of Bon Homme. He would find me at neither place—for I have long since promised my family to visit some friends about that time."

Governor Bates did not live out his term as governor, but died of pleurisy on August 4th, 1825, at the age of forty-eight, after serving about a year as chief executive and second governor of the new State. He was buried in the family burial lot on his homestead "Thornhill," in Bonhomme Township. He left surviving him his widow, Nancy Opie Ball; a daughter, Emily Caroline Bates, who was later married to Robert Alfred Walton; and three sons, Lucius Lee Bates, who married Dulcinea Conway, Woodville Bates, who never married, and Frederick Bates, who married Lavinia Meredith. Governor Bates' widow later married Dr. Robert Ruby, and had children by him.

INAUGURAL ADDRESS

NOVEMBER 17, 1824

From the Journal of the Senate, pp. 28-31

Fellow-Citizens of the Senate, and of the House of Representatives:

Chosen by the people to fill the chief executive office in the state, become vacant by constitutional limitation, I address you for the first time with assurances, that on my part every disposition is very strongly felt to co-operate most cordially with the general assembly, in all measures calculated to promote the general welfare, and to advance the prosperity of our rising country. I owe much thankfulesss to the people for that favorable regard which accompanies me in my retirement, and which this day calls me to a seat in their public councils. In the words of one of the greatest statesmen of our country, "they seem to have bestowed their confidence *in advance*," for to a great and respectable class of those emigrants who have established themselves during several of the last years, I am personally unknown. They have kindly listened to my friends of older standing, and accepted me on general report. The whole body of the people, under these circumstances, have a right to expect that every faculty of which I may be possessed, will be held in requisition for the just and impartial discharge of the high trust which it has been their good pleasure to confide to me. Although the people have been thus generously disposed, to hope, at least, as well of me as I deserve, I feel that I must acquire the confidence of the general assembly, before I can, with decent propriety, or with fair prospects of success, submit to them my views of the leading subjects of legislation.

Yet I cannot avoid, consistently with that frankness, which I wish to mark my public course, the declaration of a few of those principles which I think indispensable to the future welfare of the community. Justice should be acces-

sible to all. I do not say, at least, in the present state of the country, that it should be brought home to every man's door; but those who go to the proper places to demand it, should meet with no denials—and delays beyond the due forms and deliberations are denials. On those subjects we have read a great deal of ingenious metaphysics in the public journals of some of the neighboring states for several years past. These essays, contrasted with results, have been of service in one respect, to ourselves; they have convinced us long ago, that speculative theories, founded perhaps on an erroneous hypothesis, are an unsafe basis of legislation, and I should not now advert to our former errors, as I conceive them, but for the purpose of giving a word of encouragement, or rather for speaking my wish, that the state would persevere in the course, which I have no doubt she has resolved upon. The administration of justice should not be more slow-footed than may be necessary for a deliberate investigation of the causes. After final judgment, I know of no constitutional authority to withhold from the citizen what the laws have declared to belong to him. Procrastination holds out delusive hopes; it sometimes happens, that the unfortunate, as well as the fraudulent, persist in their former habits of expense, and will, in all probability, be as unable hereafter, as they now are, to do justice to their creditors.—When there are exceptions to this general rule, compromise will be the business of the parties, but I should think it hazardous to make it an affair of legislative arrangement. I affect no insensibility to the sufferings of my fellow-citizens. I have partaken of them—or at least I have deeply felt those privations which were the common lot in times past. I have only to intreat that the remedy for those evils may not be again mistaken. Say that markets are distant, dull and uncertain—that commerce is depressed, and exchange of every sort sluggish and unprofitable—are all these reasons sufficient to induce us to do nothing, or ten times worse than nothing, by the application of empirical palliatives, which soothe for a time, and at length render the disease more systematically fatal.

—No—I will say argumentatively, let debts be paid—let contracts be complied with, and let a redoubled industry, with a curtailment of every superfluous expense, be the means by which these just objects are to be attained. When the people become entirely sensible that the legislature will not interfere between debtor and creditor, the course to which I am attached, I hope no less than yourselves, will be necessarily adopted by them, and the consequence will be, not immediate wealth indeed, for that must be seen in distant perspective; but confidence among ourselves and state credit abroad.

The administration of the law is very nearly connected with the law itself—and the judiciary charged with this important branch of the government, naturally offers itself to our consideration. There seems not to have been an entire unanimity of opinion on this subject. It is neither unfit nor improper, I should hope, to say a few words in relation to it—not with a view of elucidation, for it is already very well understood; but for the purpose of recording those principles by which I, as a public agent, would wish to be guided. The officers of that department suffered more incessant toil, of mind and body, than any other of our state officers, and should be placed, if possible, beyond the reach of those temporary excitements, so often discoverable in other classes of our fellow-citizens. An able and upright administration of the laws, is among the first and greatest of political blessings.

In the virtuous simplicity of these times, we are not so sensible of this truth, as that people from whose ancestors we ourselves are descended, with them liberty has evaporated into a cloudy semblance, and is no where substantially to be met with, but in their temples of justice which "stand alone," and as a great English lawyer informs us, "stand amidst ruins."

We should collect materials for these fair edifices, as early as possible; that, in future times of encroachment and usurpation, they may be the asylums of the oppressed and the bulwarks of the constitution.

One word of congratulation on the habits of the Missourians. The genius of the American people, ever active, buoyant and on the alert, has lost, in our state, nothing of its enterprising character; we see the industry of our fellow-citizens directed to every object, which could, on the most remote commercial calculations, be productive of profit. If in those efforts we have sometimes failed of entire success it must be owing, we know, to the want of those facilities enjoyed by older and better established societies. The difficulties and dangers which our adventurers encounter in their trading intercourse with the Mexican provinces, have not deterred them from the pursuit, and the rich and abundant products of the north-west counties still descend the Missouri, notwithstanding the discouraging embarrassments of its navigation.

Upon the whole, the prospect before us is full of hope. We owe the most profound gratitude to that gracious Providence, which has heretofore so signally prospered the people and states of the federal union. And may those clothed with authority in this infant state, be in their respective departments instruments in the hands of the Almighty Spirit, for the still further extension of His beneficent designs.

FREDERICK BATES.

ST. CHARLES, Nov. 17, 1824.

VETO MESSAGE

TO THE SENATE

JANUARY 19, 1825

From the Journal of the Senate, pp. 205-207

EXECUTIVE OFFICE, January 19, 1825.

To the Hon. the Senate:

The joint committee has handed to me an enrolled bill entitled an act to prevent duelling, on which I have bestowed deliberate consideration. With as sincere a disposition as any man feels for the suppression of this practice, I cannot give my consent to the employment of torture as the proper corrective—and perhaps the lash is the last description of corporal chastisements which ought to be resorted to. The love of fame is the ruling passion of those who violate the laws in this respect; and the remedy proposed not only humiliates the guilty individual forever, but attaches also a shameful reproach to his innocent offspring. There is no fitness—no adaptation of the punishment of the crime, between which there ought to be a relative suitableness. Our moral discriminations may be confounded by such a course; and instead of suppressing violence, we may perpetuate it by our ill chosen sanctions. A child should be treated with authoritative gentleness—the tenderness of the parent should be mingled with every act of coercion—and in forming the minds and habits of her citizens, the state should have an equal solicitude. I have also thought that such an enactment would be in direct conflict with the feelings of the people; if so, we all know very well that the law could not be executed with beneficial results. The character of this state is built upon the basis of a manly enterprise. Our vices are not of the mean and sordid order; even they have upon them the impress of a noble daring—should be chastised and corrected most certainly,

but not crushed with an ignominious and stigmatizing violence, lest we at the same time destroy the germs of some of the sublimest virtues with which these vices are, in some instances, very closely associated. The reformation of the public sentiment on this subject, if expected to be radical and permanent, should commence in the nurseries of our children, and be afterwards continued in the schools. It is in vain to hope that a single fiat of state sovereignty should suppress an evil so interwoven with our habits, and making a part as it were, of the present order and system of things. Other reformations, in the spirit of the day, in the temper of the times, must accompany this. And I firmly believe, that the cause of religion, of morals, and of the good order of society, is injured by taking them up separately. I am happy, on this occasion, to record my utter detestation and abhorrence of duelling. My duty to my God, to my neighbor, and to myself, would compel me in my private as in my public capacity, to discountenance and put down, if possible, so barbarous and impious a practice.

We only differ as to the means of obtaining an object so desirable to us all. These are the objections, on account of which I feel myself constrained to return the bill to the senate. And I do so with the less reluctance, on reflecting that the power of the general assembly are sovereign, and that they will still pass the act if they think it just and salutary.

FREDERICK BATES.

SPECIAL MESSAGES

TO THE SENATE

NOVEMBER 19, 1824

From the Journal of the Senate, p. 44

EXECUTIVE OFFICE, ST. CHARLES, November 19, 1824.

In compliance with a resolution of the house of representatives of the 18th instant, I transmit by my private secretary, Mr. C. B. Penrose, Jr., an abstract of votes given for electors of president and vice-president, in the several electoral districts of the state of Missouri, from returns made to the office of the secretary of state in due time. From several townships there seems to have been no returns, and it will be discovered from the abstract, that entire counties have fallen into the same omission.

FREDERICK BATES.

TO THE SENATE

DECEMBER 1, 1824

From the Journal of the Senate, p. 76

EXECUTIVE CHAMBER, December 1, 1824.

Hon. Benj. H. Reeves, president of the Senate

An enrolled bill entitled "an act to repeal so much of the law of this state, as fixes the times of holding the supreme court for the fourth judicial district," was presented on the 20th ult.

I should approve the same, but for the fact, known as well to the General Assembly as myself, that the session intended to be changed, has in the mean time been held by the judges. I return the bill with this objection.

FREDERICK BATES.

TO THE SENATE

DECEMBER 22, 1824

From the Journal of the Senate, p. 128

EXECUTIVE CHAMBER, December 22, 1824.

Hon. Ben. H. Reeves, president of the senate:

The enrolled bill entitled an act for the relief of John Kirk and William Colbert, was presented a few days ago. Pardons, reprieves and remissions, in ordinary cases, are supposed to be so clearly with the governor, that I cannot, by any deliberate act, sanction the exercise of those powers by any other branch of the government. But, inasmuch as these cases involve other principles confessedly within the legislative department, I cheerfully consent to a co-operation in this instance, and have approved and signed the bill, with the hope that the senate will cause this note to be inserted in their journals.

Accept my best respects.

FREDERICK BATES.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 22, 1824.

From the Journal of the House of Representatives, p. 192

EXECUTIVE CHAMBER, December 22, 1824.

Hon. H. S. Geyer, speaker of the House of Representatives:

During the last war, several bands of Indians professing friendly dispositions, were invited to change their hunting grounds from the Mississippi and its waters, and to encamp within the general range of our settlements on the waters of the Missouri.

It was supposed after the best consideration that this was the most unexceptionable expedient to detach these bands from the councils of those already avowedly hostile.

The event however, did not justify the supposed wisdom of the arrangement. They began very soon to rob and pillage the inhabitants, and sometimes to destroy their property through mere wantonness.

The loss of horses and horned cattle, as well as of household furniture, perhaps all of which had in some instances been brought from distant states, could not but be severely felt by new settlers, and persons not yet in affluent circumstances.

The department of war did at the time institute an enquiry into the reality, circumstances and extent of this loss. In the course of the examination which happened to be entrusted to me (and on which account I with the greater freedom address you.) Many witnesses were sworn and interrogated, as well by the claimants as by myself, on behalf of the government; particulars, cannot without an excess to papers be recalled with exactness, but I well remember that the total loss substantiated to my satisfaction amounted to many thousand dollars.

My report was handed personally to the secretary at war; winter of 1815-16, and probably filed in the offices. There seems to me to be so much peculiarity attending this loss, that I have thought it highly worthy of the consideration of the general assembly—perhaps on investigation it might be thought correct and proper, to address the government for relief by memorial.

Yours, very respectfully,

FREDERICK BATES.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 24, 1824

From the Journal of the House of Representatives, p. 168

Message from the governor by Mr. Penrose, his private secretary, an enrolled bill entitled 'an act for the relief of Abiel Leonard,' was presented yesterday. I have approved

and signed this bill, yet as there is much honest difference of opinion as to the department from which the relief ought to have been solicited, I ask leave to enter my protest against its being drawn into precedent until the doubts which it involves shall have been settled by competent authority.

FREDERICK BATES.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1825

From the Journal of the House of Representatives, p. 206

EXECUTIVE CHAMBER, January 7th, 1825.

Sir—I enclose for the information of the house of representatives, a copy of a letter from Senator Benton in relation to the intended visit to this state of General Lafayette, his son and his secretary, in April or May next.

Very respectfully,

FREDERICK BATES.

HON. H. S. GEYER, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 1825

From the Journal of the House of Representatives, p. 323

EXECUTIVE OFFICE, February 7, 1825.

To the Hon. the House of Representatives:

At the request of the governor of Georgia, I communicate for the information of the general assembly, a resolution of that state disapproving certain resolutions of the state of Ohio, as to the emancipation of slaves.

FREDERICK BATES.

TO THE SENATE

FEBRUARY 11, 1825

From the Journal of the Senate, pp. 268-269

EXECUTIVE OFFICE, ST. CHARLES, February 11, 1825.

To the Hon. the Senate:

I nominate the following persons as judges of probate for the several counties of the state, and respectfully ask your consideration and advice:

For the county of Clay—Elisha Cameron.
For the county of Lillard—Julius Emmons.
For the county of Ray—Wm. P. Thompson.
For the county of Chariton—Charles M'Lean.
For the county of Saline—John Sappington.
For the county of Cooper—John Dade.
For the county of Cole—Robert A. Ewing.
For the county of Howard—Robert Wilson.
For the county of Franklin—Wm. G. Owens.
For the county of Callaway—Irvine O. Hockaday.
For the county of Gasconade—David Waldo.
For the county of Montgomery—Jacob L. Sharp.
For the county of Lincoln—Gabriel P. Nash.
For the county of Boone—Warren Woodson.
For the county of St. Charles—William G. Pettus.
For the county of Pike—Levi Pettibone.
For the county of Ralls—Stephen Glasscock.
For the county of St. Louis—M. P. Leduc.
For the county of Jefferson—Elias Bates.
For the county of Washington—John Brickey.
For the county of Ste. Genevieve—Thomas Oliver.
For the county of Perry—Frederick C. Hase.
For the county of St. Francois—James Dunlap.
For the county of Madison—Nathaniel Cook.
For the county of Wayne—Ranson Bettis.
For the county of Cape Girardeau—Thomas Neale.
For the county of New Madrid—Christopher G. Stouts.
For the county of Scott—Abraham Hunter.

FREDERICK BATES.

GOVERNOR ABRAHAM J. WILLIAMS

ABRAHAM J. WILLIAMS

BY

E. W. STEPHENS

In the first century of the state's history the distinction belongs to Boone county of having had in the office of governor one of her citizens who was born one-legged, who was a shoemaker, a merchant, a farmer, and a manufacturer of tobacco, and who held the office for a shorter length of time than has any governor the state has had.

His name was Abraham J. Williams. He was Missouri's third governor. He was a native of Virginia, having been born in Hardy county of that state, now Grant County, West Virginia. His father and mother, Vincent and Elizabeth Williams, and his grandparents are buried in the old family burying ground of the county where they died.

He was the first state senator elected from Boone county after its organization. The county was organized in 1820, but was represented in the Legislature until 1822 by the representatives and senators from Howard county. Williams was chosen senator in 1822, and held the office until 1826, when he was defeated by Richard Gentry. During the latter part of his second term he was president pro tem of the Senate.

Frederick Bates, who was elected governor in 1824, died on August 4, 1825. Benjamin H. Reeves of Howard was lieutenant-governor, but owing to ill health he had resigned and gone to Santa Fe. Williams, therefore, by virtue of his office as president pro tem of the Senate became governor, and continued in office until the inauguration of John Miller of Howard as governor on January 20, 1826, five and a half months. Williams, while acting as governor, called a special election for December 8, 1825, at which Miller was elected.

Williams came to Missouri between 1816 and 1820, and

located in Old Franklin opposite the present site of Boonville. In 1820 he was one of the proprietors of a tobacco warehouse at Nashville in the southern part of Boone county on the Missouri River. His business partner was James Harris. About that time he removed to Columbia and built the first store house that was erected in that town. Its location was on the southwest corner of Fifth Street and Broadway, one block east of the present site of the Missouri, Kansas and Texas railroad depot. He sold dry goods, and tradition has it, upon what authority we do not know, that he also worked at the trade of a boot and shoemaker.

In 1835 he was president of the first agricultural fair organized at Columbia. About that time he was engaged in farming on a large tract of land which he entered from the government, seven miles south of Columbia. He built a brick residence there. It was torn down a few years ago. The farm is now owned and occupied by George Williamson.

He died on December 30, 1839, at the age of fifty-eight years. His remains are buried in the Columbia cemetery, his grave being marked by a box-shaped tomb upon which is a simple inscription noting the date and place of his birth and death.

He left a large estate, embracing nearly a thousand acres in Boone county and many town lots in Columbia, Franklin and Jefferson City. He was a bachelor and left no will. His estate was divided among numerous heirs in Missouri, Virginia and Ohio. Administrators were George M. Wright and Jordan O'Bryan, who were required by the court to file a bond in the sum of $100,000, the sureties being Dr. Alexander M. Robinson, Moss Prewitt, William Jewell, Robert S. Thomas, Robert S. Barr, and David M. Hickman, all eminent citizens.

He has but few relatives now living who remember much of his personal characteristics. Among his nieces, Misses Belle and Julia Cunningham reside in Columbia. They have numerous brothers and sisters in distant states. James D. Vance of Callaway county, Joseph Williams of

Hardy county, Virginia, and Mrs. Luke Englewood of Nebraska, are among his nephews and nieces now living.

But little is known of his personal appearance and characteristics. No picture of him is in existence. Tradition has it that he was tall and slender, and, owing to having but one leg, he walked with a crutch. He was not a public speaker, and was not highly educated. But despite his physical handicap and the lack of those advantages which are of such valuable aid in the race of life, he amassed a large fortune in that strenuous pioneer period and rose to the highest office in the gift of the state. All of which goes to show that he was no ordinary man.

In 1832 with several others he was nominated in the General Assembly against Thomas H. Benton for United States senator and was next to Benton in the race. The vote stood: Benton, 46; Williams, 12; William H. Ashley, 4; David Barton, 2; John Thornton, 1; Thomas Reynolds, 1; Beverly Tucker, 1. On November 3, 1838, a few months before his death, he received 48 votes, not a majority, of the two houses of the General Assembly for director of the state bank.

He was an active and influential member of the Senate, being chairman of the committee on accounts and of the committee on education, and of the committee to recommend plans for the new capitol building. Such were his abilities as a presiding officer that he received at the close of the session a cordial vote of thanks, especially for presiding over an impeachment trial, an ordeal requiring skill, parliamentary knowledge, judgment and fairness.

No opportunity was afforded him for the demonstration of statesmanship while he was governor. The General Assembly was not in session and no events occurred calling forth distinctive exercise of gubernatorial functions.

He was a citizen of Missouri about twenty years. During that period he was a successful shoemaker, merchant, farmer, and tobacco manufacturer and amassed a large fortune. He became State senator, and governor, and left a stainless name. A record as creditable as it was unique.

EXTRA SESSION MESSAGE

JANUARY 19, 1826

From the Journal of the Senate, pp. 5-7

To the Senate and House of Representatives:

Gentlemen—Though I regret the necessity of calling on you at this inclement season, to discharge a part of your constitutional duties, it is with great satisfaction that I congratulate you on the general health and increased prosperity of the country. A strict observance of industry and economy in our domestic and public concerns will insure to the farmer a just reward for his labor, and to the statesman the good will of his country. But in the enjoyment of our national blessings, we have experienced a calamity in our political affairs which has produced in the country a deep regret for the loss of its chief magistrate. In consequence of the death of Frederick Bates, Esq., late Governor, and the resignation of Benj. H. Reeves, Esq., Lieutenant-Governor, I was vested as President pro tempore of the Senate, with all the powers of Governor. In the exercise of those powers, my first consideration was to discriminate, as far as my best judgment would enable me, to decide between those which are duties and those which are not. The great importance of the situation in which I was so suddenly placed, was well calculated to increase my anxiety to manage the affairs of the state, with a view to strict propriety and the public good. Amongst the duties which commanded my immediate attention was the ordering of an election to fill the vacancy in the executive branch of the government. In the performance of that duty, I found the constitution imperative as relates to the ordering an election; but the time when it should he had, seems to have been, in some measure, left optional with the person exercising the functions of the executive department.

Knowing the embarrassed condition of the Treasury,

at the first view of the subject, I felt much disposed to postpone the election until the next biennial election for senators and representatives, as in that event there would have been a saving to the state of the full amount of the incidental expenses of the present session. But another consideration of more than equal importance to the government induced an entire abandonment of that position. The state would have been left without any person vested with the powers of governor. My term of service as senator will expire on the first Monday in August next, and the present Speaker of the House of Representatives will be out of office on the same day.

Influenced by these considerations, I issued a proclamation ordering an election for Governor, to be holden on the 8th day of last December. In obedience thereto an election was had, and the returns thereof made to the Secretary of State.—There being no other mode pointed out by the constitution or laws of the state, than that of calling a meeting of the Legislature, for the purpose of comparing the returns, and declaring who was duly elected, I have convened your body for that purpose. The office of Lieutenant Governor being vacant, it became necessary to inquire particularly into the manner of filling it. After considering the subject, I was clearly of the opinion that it could only be filled by an executive appointment.

It is made the duty of the governor to see that the laws are distributed in proper time; immediately after that duty devolved on me, I waited on the gentlemen who were engaged to bind the revised laws of the last session of the Legislature; they then thought they would be able to finish the work within two months from that time; but from some cause the binding is not yet completed, which has produced a delay in the distribution. I conceive it proper to observe, that I am advised that the late governor came to an understanding with them as to the price they were to have, but never reduced that contract to writing.

Three citations were served on me as acting Governor, citing the state of Missouri to appear before the Supreme

Court of the United States at Washington City, on the 1st Monday in February next, to shew cause why right and justice should not be done to the plaintiffs in error, which will appear by exhibits No. 1, 2, and 3, copies of the original, the service of which I acknowledged. In consequence of not being able to find any provision by which those, or similar cases, are to be defended, I thought it expedient to write to the honorable David Barton, senator in congress, advising him of the existence of those writs of error, but that I was unauthorized to make any one responsible to him for his services. Being strongly impressed with the belief that you will have no disposition to extend your deliberations to matters of minor consideration, I submit it to your better judgment, whether it would not be good policy to defer all ordinary subjects, until the next regular session of the Legislature.

A. J. WILLIAMS.

ST. CHARLES, JAN. 19TH, 1826.

PROCLAMATIONS

OFFERING A REWARD

AUGUST 30, 1825

From the Missouri Republican, St. Louis, Sept. 19, 1825

WHEREAS, it has been represented to the Executive, by the Sheriff of the County of St. Francois, that

JOHN PATTERSON.

Who was convicted, at the last July Term of the Circuit Court, of St. Francois County, of murder, and sentenced by the Court to be hanged, on the thirty-first day of this month, has made his escape, and is now going at large. I have therefore thought proper to offer a reward of Two HUNDRED DOLLARS, to any person or persons, who will apprehend and convey to the gaol of St. Francois County, the said *John Patterson.* And, I do moreover require all officers, civil and military, and exhort the good people of the State, to use their best endeavors to cause the said fugitive to be apprehended, that the sentence of the court may be enforced.

In Testimony Whereof, I have hereunto set my hand, and caused the great seal of the State of Missouri, to be affixed.

(SEAL) Done at St. Charles, this 30th day of August, A. D. one thousand eight hundred and twenty-five, and of the Independence of the United States the fiftieth.

A. J. WILLIAMS.

By the Governor:

WM. G. PETTUS, Acting Secretary of State.

The said JOHN PATTERSON is between nineteen and twenty years of age, about six feet high, heavy built, sandy hair, somewhat curled, and has large grey sunken eyes.

ON SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF GOVERNOR

AUGUST 31, 1825

From the Missouri Republican, St. Louis, Sept. 19, 1825

WHEREAS, the office of Governor of the State of Missuori, has become vacant by the death of FREDERICK BATES, Esq.; and WHEREAS, by the seventeenth section of the fourth Article of the Constitution, it is provided that ,'whenever the office of Governor shall become vacant by death, resignation, removal from office, or otherwise, the Lieutenant Governor, or other person exercising the powers of Governor for the time being, shall, as soon as may be, cause an election to be held to fill such vacancy, giving three months previous notice thereof." In obedience thereto, I do command and require the sheriffs of the several counties in this State, to cause an election to be held, at the several places of holding elections, in their county, on THURSDAY, the 8th day of DECEMBER next, for the purpose of electing a Governor, of the State of Missouri, to supply the vacancy aforesaid, giving at least thirty days notice thereof.

In Testimony Whereof, I have hereunto set my hand, and caused the great seal of the State of Missouri to be affixed.

(SEAL) Done at St. Charles, this thirty-first day of August, A. D. one thousand eight hundred and twenty-five, and of the Independence of the United States the fiftieth.

A. J. WILLIAMS.

By the Governor:

WM. G. PETTUS, Acting Secretary of State.

CALLING A SPECIAL SESSION OF THE GENERAL ASSEMBLY

OCTOBER 13, 1825

From the Missouri Republican, St. Louis, Oct. 31, 1828

WHEREAS, the seventh section of the fourth article of the constitution, authorizes the Governor on extraordinary occasions to convene the General Assembly: THEREFORE I, ABRAHAM J. WILLIAMS, President pro tempore of the Senate, exercising the powers of Governor, do require the members of the General Assembly of the State of Missouri, to convene at the town of St. Charles, on Thursday the nineteenth day of January, eighteen hundred and twenty six, for the purpose of examining the returns of an election for Governor, and declaring who is duly elected; and no other.

In Testimony Whereof, I have hereunto set my hand, and caused the great seal of the State of Missouri to be affixed.

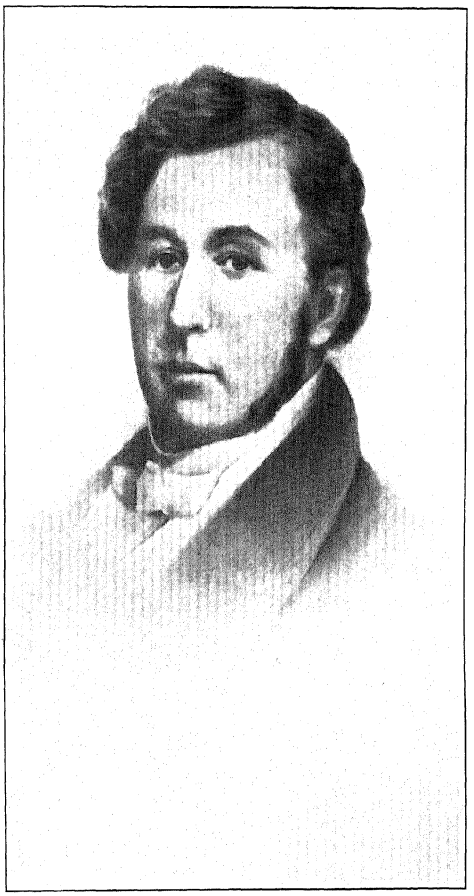
(SEAL) Done at St. Charles, this thirteenth day of October, A. D. one thousand eight hundred and twenty-five and of the State the sixth.

A. J. WILLIAMS.

By the Governor:

HAMILTON R. GAMBLE, Secretary of State.

GOVERNOR JOHN MILLER



JOHN MILLER
Governor 1826-1832

JOHN MILLER

BY

PERRY S. RADER

Close by the corporate limits of the city of Fayette, almost north of the court house, in the center of a high and rolling field, stands a large two-story brick house, still inhabited and in good condition, which at one time or another was the home of three men who were governors of Missouri. It was occupied by John Miller after he was governor and when he was first elected to Congress; it was at one time occupied and owned by Thomas Reynolds, who became governor in 1840 and died in 1844, and about the time of his death it was the home for a year or two of Claiborne F. Jackson, who became governor in 1861. It was this house in Howard county that John Miller, bachelor as he was, had in mind when he tenderly spoke of "my Missouri home" one time when he was in Washington.

John Miller was Governor of Missouri for seven consecutive years, and that was a longer period by three years than was ever accorded to any other man. The circumstances were unusual.

Frederick Bates had been elected Governor, and Benjamin Reeves Lieutenant-Governor, in 1824. Within a year Mr. Reeves, who was also a resident of Howard county and whose descendants to this day are to be classed as among Missouri's finest citizens, resigned his office, to become one of the Government commissioners in laying out the noted road from Leavenworth to Santa Fe; and on August 4, 1825, Governor Bates died. Thus the offices of both Governor and Lieutenant-Governor became vacant.

The Constitution of 1820 provided that upon the death or resignation of the Governor, the Lieutenant-Governor, or in case of like disability on his part, the President of the Senate *Pro Tempore*, should "possess all the powers and

discharge all the duties of Governor" until the vacancy was filled, and that he should cause an election to be held to fill such vacancy, unless "such vacancy shall happen within eighteen months of the end of the term for which the late Governor shall have been elected." That made it necessary that an election be held; Governor Bates had died more than three years before the end of the term for which he had been elected, and the Lieutenant-Governor had resigned prior to his death. The President of the Senate *Pro Tempore* was Abraham J. Williams of Boone County. He assumed the powers of Governor upon the death of Bates, and caused a special election to be held on December 8, 1825, and at that election John Miller was elected Governor.

The Constitution of 1820 also provided that the Governor should be "ineligible for the next four years after the expiration of his term of service," but it also provided that the person elected to fill a vacancy caused by the death or resignation of the Governor "shall not thereby be rendered ineligible to the office of Governor for the next succeeding term." That saving clause made John Miller eligible to election in 1828. He was elected in 1825 for the three years of the unexpired term for which Governor Bates had been elected in 1824, and he was again elected in 1828 for another term of four years. He was the only man in the history of the State who held the office of Governor for a longer time than four years.

He was a good Governor. He was a man of sound mind and very correct principles. In private life he was above reproach, and as an officer he was immaculate. In numerous letters in my possession, written by men who knew him personally, he is spoken of as a "good man", a "very good man" a "very upright man."

He was born November 25, 1781, in Berkley county, Virginia (now West Virginia,) not far from Martinsburg. About 1803 he went west to Steubenville, Ohio, and there became the publisher and editor of the *Western Herald* and the Steubenville *Gazette* and made them powerful instruments for creating public sentiment for peaceful

order in that first new state west of the Ohio. From his early boyhood he had evinced a predilection for military life, and in school organized the boys of his age into companies, and trained them in orderly ways, and in every undertaking as he grew older he manifested qualities of leadership. While engaged in the publication of his newspapers, he was appointed General of the State Militia and used it as another instrument for establishing public order. When the War of 1812 came on he enlisted in the Army of the United States, and held the rank of Colonel. He commanded the 19th U. S. Infantry, and was assigned to duty under General William Henry Harrison. He was a fine drill-master, a rigid disciplinarian, and required his soldiers at all times to respect the rights of private persons and private property, and to be fit for hard service. As a result, his regiment became distinguished for courage and good behavior.

In May, 1813, while General Harrison was collecting forces at Fort Meigs for the purpose of invading Canada, General Proctor of the British Army, under cover of night, erected a battery of six guns so near the fort as to make necessary its immediate dislodgment. The guns were larger than those of the Americans, and they had been placed so close to the fort that its quick destruction would follow once the firing of them got under full operation. General Harrison called a council of war, and asked each colonel in succession if he could or would take the battery. Colonel Miller was indignant at what he regarded as General Harrison's unmilitary deportment. In his opinion it was the duty of the General to assume the responsibility of command, and either peremptorily to order one of the colonels with his regiment to destroy the battery, or to command himself and lead all the regiments, or so many of them as seemed necessary and appropriate, in an immediate charge. But instead, he was asking his colonels if they could or would destroy a battery which was threatening quick destruction of the fort and the consequent demoralization and scattering of his army. One by one they

declined, but when Colonel Miller was asked, his prompt reply was, "I'll try, sir," and without a moment's delay led his regiment in a violent assault upon the battery. The men in charge of the big guns were amazed and stupefied as they beheld the infantry soldiers, firing by companies, coming rapidly upon them from different directions. The fight was over in a short time. Miller spiked the guns, and then retreated in perfect order. The words, "I'll try, sir," found lodgment in the mind of other soldiers and the people of the Northwest generally; they were used to characterize the prompt courage of Colonel Miller and his regiment, not only during the remainder of the war, but long afterwards.

At the close of the war, he was retained in the Standing Army, with the rank of Colonel, and ordered to duty in Missouri. In 1817, he resigned from the Army, and became Register of the Land Office at Franklin, in Howard county, and was holding that office when he was elected Governor in 1825.

For that time he was the ideal man for Governor. A love for orderliness and a proper regard for the rights of others had already marked his career. Missouri then needed just such a man. She was then a very young State. Government was not firmly established; in fact, there was almost no government at all in a great part of the State. And people were coming from everywhere—from Kentucky, Tennessee, Virginia, North Carolina, Maryland, New York, Massachusetts—the vanguard of the movement of the human family around the world, that had begun three thousand years before in the central part of western Asia, now on the next to its last lap and not to cease until it flowed over the Rocky Mountains and was stayed by the Pacific Ocean. They were coming by steamboat, in ox wagons, on horseback and afoot. The most were home-seekers, but some were adventurers, some ruffians, some speculators, some gamblers. The fur trade had extended itself up the Missouri River and across the plains into the mountains—superhuman men, who slept on the ground and

drank in the dews of heaven as they closed their eyes against the light of the stars. The hunter and trapper wandered in the woods, and made companions of Indians. There was whisky at every boatlanding and in almost every store, and muster day and almost every assembly was marred by fights between drunken men. In every house was a gun, and almost every man and boy knew how to shoot.

At such a time, amid such conditions and among such a conglomerate people, gathering from everywhere, strangers to each other, all moved by a spirit of adventure, but without concert of direction and stirred with different purposes and motives, the most valuable service a governor could render would be to lead in the establishment of order and in bringing them into friendly harmony. To that high task Governor Miller set his hand with a firm purpose and a steadfast achievement. It was not for him a hard task. It might have been for others, but for him it was not. There was a great wealth of solid character in these people, and to establish a society wholesome, orderly, sweet and enduring they only needed the right leader—and he was the man. Self-contained, sound-minded, unselfish, steadfast, firm, courageous, immaculately honest and truthful, free from all vices, the master of himself and his temper, desiring only the good of the people and rising above partisan narrowness, he easily won the confidence and loyal allegiance of every orderly home-maker. In all the State there was no other man better prepared by training and temperament to aid in the establishing of peaceful order, to set the people steadfastly upon lines of orderliness, and it is doubtful if there ever has been another governor so universally loved and respected and trusted.

He moved cautiously. His first endeavor was to win the confidence of the people. In the pursuit of that endeavor he sought and secured the support and co-operation of the strongest and soundest men in the State in almost total disregard of their partisan alignments. Under the Constitution of 1820 the Governor appointed the Secre-

tary of State, Attorney-General, Supreme Court judges, Circuit Court judges, and all other state officers except the Lieutenant-Governor. Governor Miller continued Hamilton R. Gamble in the office of Secretary of State until he resigned in 1826, and then appointed Spencer Pettis of St. Louis, and on his resignation in 1828 appointed Presley H. McBride of Boone county, who resigned in 1830, and then he appointed John C. Edwards of Cole county. These four men were typical of the kind of men Governor Miller appointed to office, and they portray the purposes and policies of his administration. Mr. Gamble was a lawyer of colossal mind and the very highest character; he was a Whig, and in after years was Supreme Judge and Governor. John C. Edwards was a Benton Democrat, and in 1844 was elected Governor. Spencer Pettis was a Benton Democrat, a speaker of marked brilliancy, was elected Missouri's only Representative in Congress in 1828, and resigned as Secretary of State in order to accept that office. Rufus Easton was in many respects the most valuable and the most prominent citizen Missouri had for the twenty years after 1804. He was a Whig, had been Attorney-General since 1821, and Governor Miller continued him in office until his death in 1826, and then appointed Robert W. Wells of St. Charles, who held the office for ten years, and reflected great honor upon the State as a great citizen. If conclusions of Miller's character as a man and his administration as Governor are to be drawn from the kind of men he appointed to office, then one need only go down the roster of his appointees to conclude that his ambitions and policies were noble.

When he became Governor political parties had not formed with the hard-and-fast alignments of modern days. One party was beginning to be generally known as "Democratic," but in Missouri the parties were about as well known as the "Jackson party" and the "Clay party" as by any other names, for Andrew Jackson and Henry Clay were great favorites among the voters in those days, and they divided according to their preferences for the one or the

other as the national leader. John Miller had great admiration for Andrew Jackson. Both had been soldiers in the War of 1812, and nearly all the soldiers of that war delighted to align themselves politically with Jackson. But Miller was no mean partisan. Neither Tom Benton nor David Barton, the two United States Senators, each of whom aspired to be recognized as the political leader of the State, controlled him. They and all other men acknowledge the fact that Miller was Governor, and proved their own patriotism and political wisdom by co-operating with him in his noble undertakings.

His popularity with all the people, and their general pleasure with his administration, are further made manifest by the fact that when his first term of three years expired in 1828 he was re-elected for a full term of four years without opposition—the only time in the history of Missouri that a candidate for Governor had no opponent. That the people permitted no one in his own or the opposition party to contend with him for election is high proof of their own orderly character and good sense, and it is also proof that he was a Governor of unusually fine administrative and personal qualities.

Between 1832 and 1842 Missouri had only two Representatives in Congress. After John Miller's second term as Governor expired in August, 1832, he went back to his home in Howard county, but in 1836 he was elected to Congress, and again elected in 1838 and 1840. He had no conspicuous Congressional career. By 1840 partisan politics had become bitter, and he was by temperament and public acts a man of peace. He was an industrious Representative, ever alert to advance measures which he considered would promote the welfare of his country; but he had no fondness for partisan wrangling and hateful animosities found no place in his heart. He scorned political contests which he foresaw would engender national discord and sectional hatred. He felt that the contests then beginning were more partisan than patriotic, and as year by year they became more inflamed and often

degenerated into a mere scramble for governmental control, he protested in the name of peace and the common good. But his protests were not heeded. He was out of place in sectional controversies. The people liked his patient industry and wise efforts for the general welfare, and would have continued him in Congress had he consented, but he concluded that the times demanded the leadership of younger men. He therefore declined re-election in 1842 and retired to private life. With his nephew he took up his residence at Florissant, in St. Louis county, and there he died March 18, 1846.

John Miller was never married. So far as I have been able to ascertain his nearest relatives at the time of his death was an only nephew, James Miller, who resided for more than forty years near Allenton, in St. Louis county.

No picture of John Miller appeared in any publication in the early days. The only known likeness of him in existence for nearly a half century after his death was an oil painting in the possession of James Miller. In 1891 James Miller took this picture to a photographer in St. Louis who was also a portrait painter. The face had been somewhat dimmed and marred by time, but there were no broken places or wrinkles in that part of the picture. This artist easily restored the other broken places, and then took numerous photographs of it, and from them have been reproduced every likeness of John Miller that has since appeared in any publication or that is to be found in any historical society.

FIRST INAUGURAL ADDRESS

JANUARY 20, 1826

From the Journal of the House of Representatives, pp. 14-16

Fellow Citizens of the Senate, and of the House of Representatives:

The generous confidence of my countrymen, that has assigned me to fill the station vacated by the death of my able and much lamented predecessor, deserves my highest thankfulness, and demands the utmost exertion of my feeble abilities to merit its continuance.

As it will always be my chief object in the discharge of the important duties confided to me to promote the welfare of our yet infant state, I trust that if in aught I err, I shall receive the charitable construction of my fellow citizens; and that they will never be compelled to distrust the purity of my motives, or to believe me swayed by party or personal considerations.

It is only by adhering to our constitution, in its strictest construction, that I hope to merit the approbation of my fellow citizens. A due regard to the provisions of that instrument, limiting each department within its proper sphere, and guaranteeing the rights of individuals, will preserve harmony and insure prosperity.

I regard the union of the states with the highest veneration. In addition to the many complicated questions of right, power and jurisdiction which may arise between the general and state governments, the state of Missouri has peculiar connections with the union, growing out of the control that belongs to the general government, over a large portion of our soil, our lead mines, and the Indian tribes in our neighborhood and within our limits. It becomes, therefore, in my opinion, our essential interest, as well as duty, that whilst we guard, with vigilant attention, our state rights and constitutional land marks, we should

bestow a generous confidence on the administration of the general government.

We have reason to believe that, in a short time, the control possessed over our mines and other peculiar sources of wealth will be abandoned by the federal government, and our citizens be permitted to hold by permanent tenure the lands in which they can now have so small an interest. That our interest, and that of the United States, would be greatly advanced by suffering these to become the property of individuals, I have no doubt. Independent of the desirable object of having a population owning the fee simple of the soil, rather than a dependent tenantry, the capital necessary for a complete development of our mineral riches will only be employed when its possessors are safely and permanently established. When thus developed, a large population will be maintained—dependent for the necessaries of life on the agricultural part of the community, creating for it a market at home, and giving to industry a quickening influence that will be felt in the remotest parts of our state; whilst the United States will, from the increased wealth of our citizens, derive greater and more permanent advantages than can arise from the present policy.

It is hoped that the measures adopted for the improvement of the navigation of the Mississippi River, will be so extended as to embrace the Missouri as far as our western, and the Mississippi as far as our northern boundary. The navigation of these rivers is of incalculable advantage to the fertile and populous parts of our state, through which they pass—and it is also to be hoped, that every possible assistance will be afforded by the general government to our sister state Illinois, in the completion of the contemplated canal, connecting the waters of the Illinois River with Lake Michigan. By this great work Missouri may expect advantages, but little inferior to those to be derived to Illinois herself. These measures, we have reason to believe, will be persevered in; and as we are blest with a soil of uncommon fertility, a climate congenial to

health, and the most valuable vegetable productions, noble streams running through every part of our state, the greatest abundance of the richest minerals, a profitable and increasing commerce with our Mexican and Indian neighbors, a communication with our great western port New Orleans, free from the interruptions that embarrass our rivals at market, a population virtuous, industrious, and enterprising, it must be by some signal abuse of these gifts of Providence, if Missouri does not, at no remote period, rise into a great commonwealth, the happy abode of millions of freemen.

Assembled as you now are, for a special purpose, and whilst the effect of the laws passed at your late session is but partially known, it is believed you will not deem it advisable to enter upon general legislation. With this impression, I shall not now submit my views upon that subject, but will briefly express to you my ideas of what I deem the true policy to be pursued by the rulers of this state and by the people.

Surrounded by the most powerful and warlike tribes of Indians, it becomes a duty of the first importance to be prepared at all times for defense: to insure which, a well armed, organized, and disciplined militia is indispensably necessary. The strictest economy should be observed in the public expenditures; that the burdens on the people may be reduced to the smallest practicable amount. No attempts should be made to discharge debts by legislation, or to interfere with the obligation of contracts. Our paper money should be gradually withdrawn from circulation. Education, and the diffusion of useful knowledge, the encouragement and improvement of agriculture, should receive the greatest attention. A faithful observance of the laws, an industrious attention to business, a fulfillment of all our social obligations, frugality and fair dealing should be practiced by all. These, with a reliance on that BEING, from whom comes every good and perfect gift, cannot fail in securing happiness and prosperity at home, in inspiring confidence abroad, and attracting to

our happy state, emigrants of that respectable and virtuous class, of whom we have lately received such valuable accessions.

JOHN MILLER.

ST. CHARLES, 20TH JANUARY, 1826.

FIRST BIENNIAL MESSAGE

NOVEMBER 21, 1826

From the Journal of the House of Representatives, pp. 19-26

Fellow-Citizens of the Senate, and of the House of Representatives:

In compliance with the requisitions of our constitution, and in conformity to practice, co-eval with the foundation of our free and happy forms of government, it becomes my duty to present to your consideration such subjects as appear to me to be connected with the welfare and prosperity of our young and flourishing state.

Gratitude to the supreme dispenser of every good and perfect gift commands us to acknowledge with thankfulness the blessings which we have enjoyed the present year. While some parts of the union have felt the effects of an afflicting drought, and are threatened with a serious diminution of the means of subsistence, we have experienced most propitious seasons, covering the land with unprecedented abundance, and have been crowned with the enjoyment of health.

An event rendered remarkable by wonderful coincidences, has distinguished the present year, and imposed new claims upon our grateful remembrance for the birthday of our national independence. The ex-presidents, Jefferson and Adams, on the 50th anniversary of the day, on which one had drawn, and both had signed the declaration of our National Independence, departed this life. Their services to the cause of liberty commands our warmest gratitude and admiration; and to him especially, who by peaceful means, doubled the extent of his country's dominion—who found the Mississippi the boundary, and left it the centre of the republic and redeemed from civil and religious despotism the soil on which we now stand—we owe the acknowledgment of an obligation, which words and honors can never discharge.

Passing from these general topics, to those peculiar subjects on which you will be called to act, I have to point out to your particular attention, the condition of the revenue of the state. The fact that our revenue has decreased since 1821, while the population and taxable property of the state has greatly increased in the same period, is the highest evidence of an imperfect and defective system. I have directed particular attention to this subject, and from the information obtained from the Surveyor General's, the Auditor's, and the several land-offices—I learn that there is within the State 2,290,579 acres of land subject to taxation, while a reference to the report of the Auditor, to me, on that subject, will shew that no more than 1,955,807 acres have been assessed, and subjected to the payment of taxes for the present year. Thus it will be seen, that 307,-251 acres of land subject to the payment of taxes, have not been assessed the present year; and the presumption is, that an equal quantity, in proportion, has escaped taxation, from the same cause, since the commencement of our state government.

The papers marked No. 1 and 2, herewith communicated, shew these facts; and establish the conclusion that in the last six years, an aggregate loss to the revenue of the state has been sustained, upon lands alone, to the amount of several thousand dollars. It is believed that the lands which have escaped taxation, belong chiefly to non-residents; in consequence of which, the burthen of supporting the government, has been made to fall with increased weight upon our citizens—the actual settlers and cultivators of their farms, whose labor is at the same time giving additional value to the lands of non-residents, who are contributing nothing to the common support of the state, which protects and gives value to their property. To remedy this evil, I would recommend that a list of all taxable lands should be kept by the Auditor; perfected from year to year, and by him annually communicated to the assessors of the different counties. This regulation is particularly recommended as applicable to the lands of

non-residents. The revenue system is deemed to be essentially defective in many other important particulars, in relation to taxation; the accountability of officers concerned in the various branches of the revenue, &c. which I do not deem necessary to dwell on, but submit the subject to the consideration and wisdom of the Legislature.

A deficiency of the revenue of the years 1824-25 is in some measure the consequences growing out of the defective system under which we have labored. The receipts for those two years, as appears from the Auditor's statement marked No. 3, amounted to but $71,989.73 cts. while the expenses of the government for the same period, were no less than $106,784. I am gratified, however, to say, that several considerable items of expenditure—the building of the State House, in part—the revision of the laws—the printing of the revised code, &c. chargeable upon the years 1824-25, were temporary in their nature, and not again to be provided for in many years, which will leave the income of the state more than equal to its expenditures. From the reduction of expenses in the government, which will therefore necessarily take place, together with the improvement that is anticipated in the revenue, a considerable surplus fund must accrue, and put in the power of the Legislature to take effectual steps for the reduction and extinguishment of the state debt. This debt, as will be seen by a reference to statement No. 3, on the 30th of June last, amounted to the sum $140,381.43 cents; and consisted of outstanding unredeemed Loan-Office Certificates and Auditor's Warrants. This sum, tho' large for an infant state, is completely within our means of payment; and without any increase of taxes, may be discharged it is believed, by the year 1832, by such an improvement in our revenue system as will subject to the payment of taxes the property which has heretofore escaped taxation.

I look forward with great anxiety and solicitude to the time when the taxes on our fellow-citizens may be reduced; but until the debt of the state is paid off, it is the

part of prudence, sound policy and patriotism, to submit to the burthen which is necessary to its extinguishment.

I regret to state, that I cannot count largely among the resources of the state, the debt which is due to her; nominally this amounted (see statement No. 3, heretofore referred to) on the 30th June last to $76,796.64 cents, which together with the interest that has accrued thereon, would in the whole not fall much short of the sum of $100,000. Were the whole of this available, it would go far towards extinguishing the debt of the state; but experience compels the presumption that a very considerable portion of it will be lost. It grew out of the act, which I have always held to be as impolitic as unconstitutional—called the Loan-Office law, and which the wisdom and justice of your predecessors have repealed and abolished. The insufficiency of the securities taken, and various other causes, will occasion the certain loss of a large portion of this debt; but the continued exertion of the proper officer will, I am confident, be directed to the recovery of all that can be saved.

The peculiar relation of the new states, to the federal government, a consequence of the disposition of the soil of the former, being subject to the will of the latter, involves the most delicate and serious responsibilities. The growth and prosperity of these states, is thus made dependent upon the will of Congress, over which they have no control. Doubtless this peculiar relation is the result of compact, and although found by experience to be a compact eminently disadvantageous to the new states, must still depend upon the will of both parties to be released therefrom.

From propositions lately submitted in Congress, and advocated by some of the most distinguished statesmen in the oldest and most populous states of the union, we have reason to conclude that some great and radical change will take place, in the mode of disposing of the public lands, either by surrendering them on equitable terms, to the states in which they lie, or by reducing the price according to their quality.

Either event is greatly to be desired by this state; and it is confidently believed the accomplishment of *either*, would become an era in her prosperity and independence. Emigration would flow in upon us rapidly—population multiply and extend—improvements of every kind advance—the great resources of the state, in iron, lead and salt, be developed by an accession of wealth, population and enterprize—and the burthen of supporting the government, being divided among so many would become proportionably lighter on each individual.

Closely connected with this subject is the reservation of large tracts of land by the United States, supposed to contain lead and iron ore. Official reports received, and herewith communicated, marked No. 4, enable me to state, that no less than 633,309 acres of land, have been reserved from sale within this state, as contained lead ore. Similar reservations are still making; and in many instances patents have been refused to citizens, who have purchased and paid for their lands, and expended much labor and money in cultivation and improvement, on the ground of their containing lead ore, or being within the mineral district of country. It requires but little foresight to discover, that such reservations must have a fatal effect upon the growth and prosperity of this state, and if pursued by the general government, will have the dangerous tendency of reducing thousands of our citizens to the humble condition of dependent tenants, contrary to the spirit, genius and policy of our government, which requires freemen as her only support. The unreserved sale of all the lead mines within this state, is essential to, and demanded by her best interests, as well as that of the whole union.

The reservation of iron ore is a policy of late introduction among us, and is made in a way to cripple or destroy, one of the greatest resources of the state. Iron is an article of indispensable necessity to civilized man, and the goodness of God has distributed it widely over the earth; to this state He has been most bountiful; bestowing upon it the greatest quantity and the richest ores of this

highly valuable and necessary metal. But the Federal government has recently refused to sell the lands which contain this ore, except in alternate sections—selling one and reserving another throughout entire townships. This policy is fatal to the erection of valuable iron works. A large body of timbered land compactly situated is indispensable for the supply of fuel, necessary to such works; and it is folly to suppose that any rational man would expend fifty or a hundred thousand dollars upon the erection of these works with a mile square only and that thinly timbered, to furnish him with fuel; and to be at the mercy of any other person or power, for a further supply. Similar reservations it is confidently believed have not been made by the general government in any other state in which they have the disposal of the soil, and in which iron ore abounds: we are therefore truly at a loss for the policy which dictated and influenced the reservation in this. The sale of all the lands containing iron ore within our limits, is an act of justice due to the state: and the same may be said of the salines and salt springs which have been reserved from sale.

The lands ceded to this state for the use of schools & seminaries of learning, will demand, and of course receive your attention. They amount to several hundred thousand acres, and ought to be made subject to the general diffusion of education among the people. I think it very doubtful whether the plan of reserving the lands and leasing them is the best mode of deriving advantage from them. In the state of Ohio, the experience of twenty-five years has decided against that mode; & at the last session of Congress a law was passed, upon the memorial of the legislature of that state, authorizing the sale or other disposition of these lands, for the promotion of the great object of education, in such manner as they should think proper. The propriety of like applications from this state, is submitted to your sound discretion and in the event of its being granted, will become a question for the legislature to decide in what manner these lands can be made most conducive to the object of their grant.

Education is the corner stone of free and republican governments.—Monarchies are supported and defended by standing armies; while republics repose upon the intelligence and virtue of the people. Hence it is the peculiar duty of the latter to promote and diffuse the blessings of education throughout the whole body of its citizens.

The townships secured to this state by congress for the support of seminaries of learning, have not been designated by the proper authority. This is an important subject to our state, and one no doubt, which will receive your early and attentive consideration. As the most valuable lands within our limits have been disposed of by the United States and entire townships of good land could not now be had, unless in remote parts, there can be no doubt entertained, but that Congress, on application made by the legislature, would authorize the selection of these lands by sections or in smaller bodies if deemed essential to the interest of the state.

Our trade to the internal provinces of Mexico, is an object of great and growing interest to this state. It is still carried on to an increased and profitable extent by our adventurous citizens, notwithstanding the dangers both to life and property by which it is surrounded. How far the operations under the act of Congress for making a road in the direction of Santa Fe, and treating with the intermediate tribes of Indians, will give security to this trade, I am unable to say; but it is evident that a further degree of protection than was authorized by that act, is required by its value and peculiar nature. A military post at the crossing of the Arkansas with a company of mounted men to act as an escort to our trading companies, would have the effect of keeping in check the lawless savages who infest that road; and would render our citizens engaged in that trade, with their property, entirely secure within our limits. A corresponding arrangement on the part of the Mexican government would complete and perfect an efficient defense to the whole road from our frontier to Santa Fe; and would give mutual protection and

afford equal advantages to the citizens of the two republics. Of the friendly disposition on the part of the Mexican government in relation to this subject there can be but little doubt. The interest of several of her provinces is deeply involved in its success; and I have reason to believe that our Minister in that country has partially succeeded in the arrangement of getting the road continued from the Arkansas to Santa Fe. When we consider the vast expenditures which the government of the United States cheerfully encounters for the protection of maritime commerce—a policy correct and necessary it would seem that the expense of such a post, as is spoken of on the Arkansas river, with an escort of 50 or 60 men, might readily be encountered for the protection of our inland trade with Mexico. The propriety of addressing Congress at an early day, in relation to such of the foregoing subjects as are within its control, is respectfully submitted to you.

The proper application of the road and canal fund, derived from the five per cent. of the net proceeds of the sale of public lands within this state, is also recommended to your attentive consideration. Our great and numerous navigable rivers, which pass in almost all directions through our state, will render canals within our limits, at least for a time unnecessary; but roads, and what constitutes a material part of a road—(bridges) are eminently necessary and indispensable, for the safe and convenient transportation of persons and property, throughout our extensive state. Internal improvement is going on with praiseworthy emulation, and rapid advance in almost every part of the union in the construction of roads and canals; and next to the improvement of the mind, requires the aid of legislation. The Congress of the United States are also projecting several considerable works of the same character. Of these, the most interesting to us are the continuation of the Cumberland road to the capitol of this state—the junction of the Illinois River with Lake Michigan—and the opening of an inland and tide water communication along the gulf coast from the Mississippi to the Atlantic ocean.

For the continuation of the Cumberland Road to this place, an appropriation was made at the session of Congress before the last, and a commissioner has been engaged in tracing its route through the state of Ohio. This great road was commenced in the year 1807 under the presidency of Mr. Jefferson, and the laws for its continuation required the consent of the states through which it was to pass. These states were at that time Virginia, Maryland and Pennsylvania; each of which, through its legislature, gave the consent asked for, and thus obviated the principal objection which had been urged against the constitutionality of such undertakings and improvements. It is believed the states of Ohio, Indiana and Illinois, have in like manner given their consent to the continuation of this road through their respective territories; and I suggest respectfully to your consideration the propriety of doing the same with regard to this state.

The junction of the Illinois river with Lake Michigan, should, in my estimation, be considered a national work, to be executed by the resources of the general government, and be free of toll to all the citizens of the union. It would be the junction of the Mississippi and its widely extended and fertile valley with the waters of the northern lakes, and the connecting link between many states of this union, widely separated by distance, but intimately connected in interest.

The opening of a direct water communication from New Orleans, along the coasts of the states of Mississippi and Alabama and the territory of Florida and across the peninsula of East Florida to the coast of Georgia, would be a work of incalculable advantage to this state and the whole western country. The single port of New Orleans would no longer be our only point of trade; it would open new and numerous markets for our staple productions and enable us to find for our beef, hemp, tobacco, pork, whiskey, corn, &c., which we have in superabundance, a certain and ready market.

Towards the accomplishment of this highly desirable

work, it is believed an appropriation was made at the last session of Congress.—When it is considered how great are the advantages and how small the expences, we may reasonably calculate upon its speedy completion.

A proper regard to self-defence and the protection of our frontiers requires that some attention should be paid to the acquisition of arms and munitions of war. I shall take care to make requisitions from time to time on the government of the United States, for the quota of arms to which this state may be entitled; and I submit to you the propriety of authorising the commencing an arsenal at this place, for their safe preservation and convenient distribution. Arms cannot be kept secure, nor advantageously, in ordinary ware-houses: independent of the expense of storage they are liable to be injured by rust, arising from the dampness of these houses generally, unless more than ordinary care and attention be bestowed upon them. A building erected for the purpose, is the only safe and proper depository for arms, and might be so constructed as to be large enough for our present purpose without requiring a large amount of expenditure, and be capable of enlargement hereafter.

The propriety of authorising the disposal, or otherwise providing for the occupancy and improvement of the lands, tenements, &c., purchased in on account debts due the state, will no doubt also claim your attention and consideration. That part of this property which is improved, is falling into a state of dilapidation; and no portion of it is supporting industry or population, nor yielding to the state rents or taxes.

I think it also my duty, to call your attention to the preservation of the statutes at large, which have been enacted under the territorial & state governments. In all probability it would be impossible to collect a complete set of them in any part of the state; and yet those which have been long since repealed, and expunged from the revised code may become necessary in the decision of questions which might arise under them. A single copy in

separate rolls, as they were passed, remains in the office of the Secretary of State; & I would suggest the propriety of having them bound, or otherwise secured for their better preservation; and to make such other provisions in relation to this important subject, as you may deem advisable.

The laws making it the duty of the executive, to procure counsel to attend to certain suits against this state, pending in the supreme court of the United States; as also to contract for binding the revised code, have been complied with and carried into effect.

A number of the acts of congress of various sessions, state papers, &c., have been transmitted at different times, under a resolution of congress to the executive of this state. The proper distribution of them is a subject for legislative provision, and to which I beg leave to call your attention.

Since the last stated meeting of the legislature, there have been received from the Governors of the states of Louisiana, Tennessee, Kentucky, Georgia, Ohio, New Jersey, Illinois, Maine, Mississippi, and Vermont, various legislative resolutions upon the subject of amending the constitution of the United States, all of which are herewith communicated.

In conclusion, I beg leave to assure you, fellow-citizens, that in whatever belongs to my duty, you shall have all the co-operation which an ardent zeal for the public welfare can inspire; and I humbly trust in Providence, and confidently rely upon your patriotic exertions, to give such an issue to the labors of the present session, as may answer the just expectation of our constituents, and promote the prosperity and happiness of our young and flourishing state.

JOHN MILLER.

CITY OF JEFFERSON, Nov. 21, 1826.

SECOND INAUGURAL ADDRESS

NOVEMBER 18, 1828

From the Journal of the Senate, pp. 12-17

Fellow-Citizens of the Senate, and of the House of Representatives:

My first Executive term having expired, and the second about to commence, I am flattered with the belief, that it will not be deemed improper, to avail myself of the present occasion, to express my deep sense for the honor again conferred on me, by the almost unanimous vote of my fellow citizens. I have endeavored to discharge my duties faithfully, and with a single eye to the welfare and prosperity of the State. And whatever may have been my errors and imperfections, the result of the late election, is a highly gratifying proof, that the integrity of my motives and sincerity of my endeavors, have been indulgently appreciated. To continue to enjoy the confidence of the people of Missouri, is my most anxious wish; and every effort within my power, shall be exerted to deserve it, by promoting as far as in me lies, their best interests.

Two years having elapsed since I had the honor of addressing you, it is with peculiar satisfaction, that I again meet you, to perform our various and respective duties to the republic. Coming as you do, immediately, from the body of our constituents, you bring an intimate knowledge of their wishes and interests, and will be enabled, therefore, to supply any and every omission, on my part, in laying before you for your legislative consideration and exposition of the affairs of the State, which established usage and the terms of the Constitution impose upon me.

The severe drought which has prevailed in different parts of our State, during the past summer, has, in some degree, curtailed the usual abundance of our crops; but the surplus in some districts, will more than balance the deficiency in others, and the aggregate will not only be sufficient

for the present population and the large influx of emigrants, but also afford much for exportation.

We continue to be favored with a rapidly increasing population, the evidence of whose industry and intelligence, is distinctly seen in the greatly increased wealth of the country, the improvement and advancement of Agriculture, and in the additional number of comfortable and commodious dwellings that are every where to be seen, throughout the state. When to these causes of congratulation is added, the unusual good health which has been enjoyed by our citizens, during the present year, we have abundant cause for gratitude to that allwise and beneficent Providence, the giver of all good.

I have the satisfaction to inform you, that the Revenue of the State, is in a rapidly improving condition. From the sum of from $40 to $44,000 per annum, between which it oscillated from 1821 to 1826, it is now estimated at from $55 to $60,000. This flattering result has arisen without any increase of the rate of taxation; principally, from the improved condition of the revenue laws. The act of the last session placed it in the power of the Auditor of Public Accounts, to procure and furnish to the Assessors of the different counties, lists of all the taxable lands in their respective counties, and enabled them to bring the whole under the operation of the revenue laws. Heretofore, this was not the case; the Assessors not having the means of ascertaining what lands were subject to taxation, (except those returned by citizens residing on their farms) hundreds of thousands of acres, chiefly belonging to non-residents, annually escaped taxation. Want of time, since the lists were furnished the Auditor, has prevented the complete operation of the law, being extended to every county; and it will not be, until the ensuing year, that its entire effect will be produced on the revenue of the State.

In the communication which I made to the last general assembly, the amount of the State debt, on the first day of July 1826, was stated to be about $140,331.18 exclusive of interest. I have now the gratification to inform you, that

on the 21st day of December next, (after paying all the expenses incident to the present session, as well as other current expenses of the year) the debt of the State, exclusive of interest may be estimated at $75,000. It will therefore be seen that from the first day of July 1826, up to the thirty-first day of December, eighteen hundred and twenty-eight, the debt will have been reduced $65,321.48 and that but $75,000 will then remain to be liquidated. In the communication before referred to, I then gave it as my opinion, that by a due regard to economy and the improvement of the revenue laws, without any increase of the rates of taxation, the state debt might be entirely discharged by the year 1832. That calculation, now appears to have been more than well founded, for unless some unforeseen cause of increased disbursement should occur, it is now apparent that the debt may be discharged in a shorter period of time, than then supposed, and the Legislature which may assemble in the year 1830, will have the gratification of finding the debt of the State entirely paid off, or reduced to so inconsiderable a sum, that they may then perform the pleasing task of reducing the taxes, which have pressed so heavily upon our fellow citizens.

The paper issued by the State, under the law establishing Loan Offices, amounting to the sum of $184,783 has been redeemed, as appears from the Auditor's statement to me, with the exception of the inconsiderable sum of about $1,142.57½. This unfortunate transaction, so injurious in its results to the State and its citizens, may be considered so far as it has been chargeable as a debt against the state, as closed. The debt due to the state, from the borrowers of this paper, amounts to the sum of about $50,000, exclusive of interest; the greater part of which, may be considered as lost, owing in some instances to the insufficiency of the security taken, and in others, to the inability of the borrowers to comply with their engagements. That portion due from persons who are able to pay, depends upon the decision of the Supreme Court of the United States in cases taken up to that court by writs of error. They came on for argument

at the last term, and were argued, as I am advised, upon their merits, by counsel employed on the part of the State, and taken under advisement by the court, until the ensuing term in February next.

I submit to the wisdom and consideration of the legislature the propriety of revising and modifying that part of the criminal laws of the State, which prescribes the punishment for perjury and subornation of perjury on trials for felony. The 56th section of the act concerning crimes and misdemeanors approved February 12th, 1825 provides "that if any person shall wilfully and corruptly commit perjury on his or her oath or affirmation, or shall procure any person to commit wilful and corrupt perjury on a trial for a felony, with an intent or design to charge the party on trial with such felony, or discharge him therefrom every such person on conviction, shall suffer the same punishment which is due to the crime with which he has charged or attempted to charge, or from which he has discharged or attempted to discharge the other," &c. Previous provisions of the same act, prescribe the punishment of death for certain felonies, then, according to the section recited a person may be punished with death for perjury or subornation of perjury, in discharging or attempting to discharge another from a felony which is itself punishable with death. It is to this part of the criminal law I invite the attention of the legislature. The object of criminal law in a civilized country is not cruelty or vengeance, but justice, and the prevention of crimes, and to this end *only*, should all punishments be directed. The crimes of perjury and subornation of perjury, are infamous in their character and pernicious in their consequences, and should be severely punished; but it is respectfully suggested whether the punishment of death for those crimes, are not so unusual and severe, as to cause the feelings to revolt and shrink from its enforcement, thereby defeating the object and intention of the law. It is certainly better for society, that laws should be mild, but fairly proportioned to the enormity of crimes and their application certain, than to have them dispropor-

tionately severe, and their application uncertain. I therefore invite your attention to the existing provision of our law, for the punishment of perjury or subornation of perjury in discharging or attempting to discharge a person charged with felony, (if not in every case) and submit it to you to say, whether a milder punishment may not be prescribed, which will be more proportionate to the nature of the offense—more compatible with a sense of public justice, and more certain in its application to the guilty.

I am of the opinion that the 6th section of the act concerning Merchants and Pedlars, approved Feb. 19th 1825 and the 2d section of an act to license retailers of wines and spirituous liquors, approved Feb. 15th, 1825, requires some amendment. The first imposes a fine of $500 on any and every person who shall vend merchandize within the state, without license; the second, a fine of $100 on those who shall retail wines and spirituous liquors without license. I beg leave to suggest the propriety of so altering those parts of said acts, which imposes a fine in both instances, that the amount of the fines may, in some degree, be regulated by the important considerations, of the wealth or poverty of the violator and the wilfulness or inadvertency of the offence. The operation of the present law is so very unequal, that offenders often escape justice;-and a violation of the laws, induced either by ignorance or inadvertence, or by the poorest retailer, is punished no less than the wilful perpetration of the offence by the most wealthy.

The Militia laws of the State, also call for some amendment, particularly, on the subject of the annual returns required to be made, exhibiting the military strength of the State. A compliance with this requisition of the law, has been neglected to a most injurious extent. The quotas of arms furnished by the United States, to the respective States, are proportioned to the number of the Militia, as ascertained by the annual reports made by the respective Adjutant Generals to the department of War; and as the returns from this State, have not usually, it is believed, exhibited more than one fourth of our Military strength we

have not received more than one fourth of the Public arms to which the State is entitled. This consequence has resulted to the State, from the omission, on the part of many of those, whose duty it is, to make to the Adjutant General, the returns required of them by law. I therefore submit to the legislature the propriety of so amending the law, as to *ensure* full and complete annual returns to be made. As the law now stands there is no specific fine imposed for such offences, yet the importance of this subject is at once manifest, and it becomes the more particularly so, when we consider that ours is a frontier State, and at all times liable to Indian depredations. In furtherance of this object, I would respectfully suggest the propriety of authorising by law the printing of a number of copies of the Militia laws of the State, sufficient to supply every officer, down to the commandants of companies; and that blank forms of the several returns, as are required by law to be made, be thereto attached. This plan would supercede the expensive one now required, of causing these forms to be annually printed and distributed by the Adjutant General.

The provision of the Militia law, passed at the last session of the General Assembly requiring a board of Field officers to supply vacancies in Company officers, where a majority of the members of a company fail to attend an election, is considered defective—The law does not point out the number of officers required to constitute a board, nor does it prescribe the duties of the board, in making their returns of such officers as may be thus appointed.

By an act of the 24th January 1827, Congress made it the duty of the President of the United States, to cause to be selected, by sections, the several townships of land heretofore secured by compact to this State, for the support of seminaries of learning. This selection not having been made a correspondence was opened, with the general government, calling its attention to the subject, which resulted in a request to me, to cause the selection of these lands to be made. Knowing as I did, that nearly all the bodies of first rate land in the State had been offered at public sale and

the most valuable purchased, and expecting furthermore, that the most desirable tracts of country, which had not as yet been offered for sale, would very shortly be brought into market, I immediately accepted the invitation and appointed commissioners to make the selections. The gentlemen appointed, performed the duties assigned them, with a promptness highly creditable to themselves—to my entire satisfaction, and I have no hesitation in saying, in a manner very much to the interest of the state. To insure a selection of the best lands, remaining unsold, it became necessary to traverse and examine the whole extent of the State, from its western boundary to New Madrid, as well as the country on the upper Mississippi—this was done at their own individual expense, (there being no appropriation,) and during a very inclement season of the year.

It is believed, that the government of the United States are bound to defray the expenses incurred in making these selections, and the accounts were accordingly transmitted for payment, but it appears that no final decision has yet been made. This being the case, the claims of the gentlemen who acted as commissioners, for services, so meritorious to a liberal compensation, so justly due them, should not, I think, depend on the contingencies of payment by the general government; I therefore recommend their claims to your most favorable consideration, and respectfully suggest the propriety of making an appropriation to meet them. The selection of these lands having been completed in the month of March last I immediately caused a report to be made, to the Secretary of the Treasury of the United States, specifying the seventy two sections chosen. The selections have been sanctioned by the general government and the lands reserved from sale. A report shewing the lands selected, will be made to the Legislature, during the early part of the session.

A designation of the seminary lands having been made, it becomes necessary to inquire what disposition of them will most contribute to the effective support of those institutions, the object of their grant? Two modes present them-

selves to me; the first, is the plan of leasing, the second that of absolute sale. In a country like ours, I consider it impolitic, to encourage a system of tenancy, whether it be by individuals, the United States, or this State. It is doubtless the interest of *all*, to encourage the acquisition of fee simple estates; and experience has proven, that in this state, where there is such a vast quantity of land, yet to be settled, a system of profitable leasing, is wholly impracticable. The leasing of our salt springs, together with the lands adjoining as also the sixteenth sections, in the respective townships, is found to be entirely unprofitable and in a great degree ruinous to the property thus leased. It is true that the State might hold up those lands for a higher price, at some future day; but I should not consider such a policy, in accordance with the true spirit and object of the grant, nor with the wishes and interests of her citizens. The primary object of the grant, was to promote the dissemination of useful knowledge; and to effect this, a plan to render these lands available, cannot be too speedily commenced.

Intimately connected with the foregoing subject, is the grant made by Congress, to this state, of twelve salt springs with six entire sections of land adjoining each. This grant was made without any specific object; it is therefore within the power of the state, to apply the proceeds, arising from any disposition which may be made of those lands, to that object which may be regarded as most meritorous. What object then, is more so, or more imperiously demands the fostering care of wise and liberal legislators, than that of facilitating the means of acquiring useful knowledge? To provide the means, and afford an opportunity to every citizen, of acquiring a useful, if not a liberal education, ought to be a paramount object with every free and republican government; for it has been truly said, by one of the wisest and purest patriots of whom our country can boast, that without a general diffusion of knowledge, "*The blessings of liberty cannot be fully enjoyed, or long preserved.*" With the view therefore, of promoting this desirable object, I earnestly recommend to the considera-

tion of the Legislature, immediately upon their being authorized so to do, the sale, not only of the seminary lands but likewise the salt springs and lands contiguous thereto, belonging to the State. That the proceeds arising from the sales, be vested in some safe and profitable stock, and the interest accruing therefrom, be applied, *exclusively* to the use and support of seminaries of learning; this would in a short time, enable the State to erect a college on a highly respectable footing, and afford likewise some assistance, to the individual exertions of our fellow citizens in different parts of the state, in establishing preparatory seminaries or schools.

This compact with the United States, prohibits, in express terms, the sale of the salt springs and lands contiguous, without the consent of Congress,—and as it is considered questionable, whether a sale of the seminary lands can lawfully be made, without such consent; should the legislature concur in opinion with me, on the subject, I would suggest the propriety of making early application to Congress, to pass a law, vesting in this state, the right of disposing of the lands herein mentioned.

The establishment of a State library is an object in which the state, to my mind, is also deeply interested. From an extensive and well selected library, to which members of the legislature and officers of the government generally, could have access, the most happy influence over the business of legislation and the general affairs of government, might be expected. By means of a library, we might the more easily appropriate to the interest of the state, the experience of the wise and the good, and avail ourselves of the lights afforded by other states and nations. Besides, the facilities which would be derived from a library thus established, to the acquisition of practical and just views of government and the adoption of wise and salutary measures, we might reasonably expect, if made free, under suitable regulations, to every citizen who might visit the seat of government, its good effects would shew themselves in the general intellectual improvement of

society;—I submit, therefore, to the consideration of the legislature, the propriety of providing by law, for the gradual establishment of such a library, with as much despatch, as the finances of the state, having a just regard to other objects, will justify; and that the books now belonging to the state, be arranged with a view to its commencement.

The amount of the three per cent fund, applicable to objects of internal improvements is estimated at about $20,000. Should you think it advisable to make appropriation of this sum during the present session, I would recommend its exclusive application to the erection of durable bridges, under suitable regulations, on the most public highways and across the most difficult streams. Applied to the construction and improvement of roads generally, its effects would scarcely be seen or felt; but expended in the erection of bridges, it would overcome the most obvious obstacles to intercourse and be most generally useful to the people of the state. The counties generally, are not in a condition to bridge that class of streams which are the largest and most difficult, and require this means of crossing them; but the aid afforded by the state, derivable from this fund, would stimulate their exertions and supply their deficiencies.

The importance to this state, of opening the great national road from Cumberland, to its ultimate termination at the capitol of Missouri will be my apology for introducing that subject to you. It is now upwards of twenty years since that road was commenced, and several years since different acts of Congress were passed, authorizing it to be continued to the seat of government in this state; but from the slow progress made, it is evident that the present generation cannot hope to see that great work, ascend the bank of the Missouri river unless some great change be adopted in its construction. Heretofore, in the mountainous regions through which it had to pass, I imagine the mode pursued was the best, the whole road made complete as it went; but having now reached the Muskingum river in Ohio, and being about to enter on vast plains where stone and other

materials for paving are scarce, (which may still more retard its progress,) it is believed, that the mode of making the road might be beneficially changed; and, instead of making it complete as it proceeds, it would answer a better and more valuable purpose to the public, and be of no more ultimate cost to the General Government, to have it laid out at once, throughout its whole extent from the Muskingum in Ohio, to this place;—and to have it graduated, and the small streams permanently bridged. This would give at once to the citizens of Indiana, Illinois and Missouri, the immediate use of a road, which passing generally through a level country, would answer a great and valuable purpose. It would accommodate and invite emigration to our country, and promote and facilitate that intercourse so much to be desired between the citizens of the Western and the Atlantic States.

The two per cent fund which is applicable to the making of the Cumberland road, is a tax paid by the people of the Western States, through which it is to pass, and is secured to that use by compact between those States and the General Government; it is a part of the consideration which the States are to receive, for consenting not to tax the lands of the United States, within their limits, but will avail them nothing for ages to come, unless the mode of making the road be changed. The completion of this road being an object therefore, in which the state has a deep interest, her Legislature has an unquestionable right to make its wishes known to Congress, without incurring the imputation of intruding upon the national councils.

Extensive grants of land have been made by the Congress of the United States, to nearly all the Western States in which public lands lie, to aid them in the construction of roads and canals, within their respective limits. No such grant has yet been made to this State. We have, at considerable expense, caused various State roads to be located and surveyed, and it is of no small importance to our citizens, that these roads should be opened and improved; suitable grants of land would go far toward enabling

us to effect this highly important object, and from the just and laudable liberality manifested towards other States, we have a right to expect that Congress will extend to us the like aid. I have considered it my duty to call the attention of the Legislature to this subject, that if it be thought advisable, application may be made to Congress for such a grant as may be considered equitable, when contrasted with those made to other States.

Our trade to the internal provinces of Mexico has received a severe check during the present fall, in the murder of three of our most respectable citizens, and in the loss of from $30 to $40,000 worth of property. These outrages were perpetrated near the Arkansas river, & it is believed by parties of the *Camanche* tribe of Indians. Similar outrages have been committed before, and may be expected in future. The General Government has been applied to for protection—for *even* the establishment of a military post on the Arkansas. It has not been granted. Protection of our maritime trade is extended by the Government, to our merchants and other adventurers, in all parts of the world; and we have a right to expect and demand it, for our inland trade to Mexico. That trade is one of much importance to this State; the principal part of the silver coin in circulation, particularly in the western part of the State, is derived from that quarter; an outlet is also there found, for vast quantities of cotton goods, the double production of our industry—For the nature and extent of the protection, to which this trade is entitled, according to my view of its consequence and importance, I beg leave to refer you to my communication, made to the last Legislature.

In close connection with this branch of trade, is another of great and growing interest to Missouri—the fur trade in and beyond the Rocky Mountains. Here disasters and murders have been experienced; ten or more of our citizens have been lately killed there, and robberies committed on their property. At present, the British traders are permitted to come upon our territories in that quarter, to trade with the Indians; and the consequence is, what

it always has been under like circumstances—*the robbery and murder of our citizens.* On the general government it depends, to give protection to this branch of trade, also; and our interest, no less than the safety of our citizens engaged in that hazardous, but profitable pursuit, requires that protection be extended, *and that all British traders be excluded from our territories.*

In a former communication, addressed to your predecessors, I recommended to their consideration the subject of the lead mineral lands in the State, reserved from sale, by order of the General Government; also the subject of the iron ore lands, of which every alternate section has been reserved from sale; and other public lands, with a view to obtain a graduation of prices adapted to the various qualities, especially the inferior qualities which now chiefly remain to be sold. The reservation of alternate sections in the iron mineral district, is a policy of the most injurious character to Missouri. It operates as a positive prohibition to the construction of iron works, in that section of country.

A graduation of the price of the public lands is a policy, as just, as it is imperiously called for, by the best interest, not only of this but of all the States in which those lands lie; and there is little doubt now entertained of its ultimate adoption. These being subjects of the first importance to the prosperity of this State, I again recommend them to your early consideration, and suggest the propriety of making known to Congress, by memorial, the wishes of the state in respect to them.

The geographical position of Missouri, makes agriculture the chief occupation of her inhabitants, and the principal source of her future wealth and power. It is therefore, no less our duty than our interest, to give to this highly important and honorable branch of industry, all the encouragement which fairly falls within the scope of legislative protection. By the tariff of the last session of Congress, additional duties were imposed upon imported hemp, iron, wool and distilled spirits; each of which may be pro-

duced in great quantities in this State; and for the raising of hemp, particularly, Missouri may be considered, in point of soil and climate, as its most favorite region. The propriety of promoting the growth and manufacture of this great staple, is therefore submitted to you; and for that purpose, I would suggest that premiums be offered at different points in the State, for the best ton of water rotted hemp; and likewise that some officer of the State Government be authorized and required to compile from the most approved authorities, and publish for distribution, among our citizens a manual of directions for cultivating, *water rotting*, and preparing, this valuable article for market. The latter suggestion is also respectfully submitted, with respect to the culture and curing of tobacco.

The increase of wool, and the manufacture of that article, ought to be encouraged by every means within our power. From the operation of the tariff imposing a high duty upon imported woolen goods, a home supply becomes desirable, if not indispensably necessary. New England is at present the great manufacturer, but that section of the Union will want none of the wool, and but inconsiderable quantities of the agricultural products of this State. Sound policy, and a due regard to our own interest, therefore require, that we should exert our energies to produce a supply, at least, of common woolen goods at home.

The propriety of proposing an amendment to the Constitution of the United States, relating to the election of President and Vice President, a subject which imperiously demands the consideration of the legislature. That the will of the people shall control the choice of the person, to whom so important a trust is confided, as that of the Chief Magistracy of the United States, is a principle supported by the *spirit* of the Constitution and held sacred by a large majority of the citizens of the Union. In practice however, it has in some instances been disputed, if not disregarded; and if the principle be true, it must be admitted that the Constitution is in its letter, in this particular, defective. If therefore, we wish to settle a question, which strikes

at the peace and happiness of society, and threatens the permanency of our free institutions—if we desire to remove a cause of extraordinary political excitement; let the constitution be so amended, as to secure to the people the important right of selecting their own Chief Magistrate. The present, appears to be a most fit and propitious time, for the consideration and accomplishment of an object, so desirable and important to the American people. There is now no election, to influence and excite our minds on this subject, and we may fairly promise ourselves the satisfaction of seeing the question settled before another Presidential canvass can so engross our attention and interests as to influence our deliberations. If it be said that it is not the province of the Legislature to propose amendments to the Constitution of the United States; it may be answered that the consideration alone, of our being one of the federative branches of the national government, is a sufficient justification of our course; but the Constitution itself has distinctly pointed out this, as one of the modes of originating amendments. It is, therefore, your prerogative as guardians of the public liberty to urge upon Congress and the Legislatures of our sister States, such amendments to the Constitution of the United States, on this subject, as you, in your wisdom may deem requisite and proper, providing for a uniform mode of electing the President and Vice President by the people, and preventing in *any event*, an election being made by the House of Representatives.

At the last session of the Legislature, but five hundred copies of the laws of that session were authorized to be printed. This number falling far short of that found necessary to furnish the various officers of the State, and to comply with the other requisitions of the law, and having been applied to from different parts of the State, for copies, by officers who were entitled to them: I took upon myself, the responsibility of purchasing from the printer, three hundred additional copies, and caused them to be distributed to such officers as had not previously been furnished.

Should this purchase and distribution be approved of by you, an appropriation will be necessary to cover the expense.

Herewith communicated are various reports and resolutions, received since the last session of the Legislature, from the Executive of the States of Georgia and Ohio, accompanied with the request that they be submitted to you for your consideration.

I cannot close this communication to you, gentlemen, without the assurance of my cordial cooperation in every measure, to which the aid of the Executive shall be necessary, for the advancement of the interests of the State, and the promotion of the happiness of its citizens.

JOHN MILLER.

CITY OF JEFFERSON, Nov. 18th, 1828.

SECOND BIENNIAL ADDRESS

NOVEMBER 16, 1830

From the Journal of the Senate, pp. 6-19

Fellow-Citizens of the Senate, and of the House of Representatives:

Happy in seeing again assembled the immediate representatives of the people, charged with their wishes and delegated to promote their interests, it affords me pleasure to mingle my personal congratulations with the discharge of a constitutional duty, in laying before you a concise view of the affairs of the state, and recommending to your attention such measures as appear to me most worthy of regard, and as being calculated to promote the general and best interests of the State.

Thanks to that all wise and beneficent Being, the author and disposer of every good, in whose hands are the destinies of men and of nations, our State has continued to enjoy the most benignant dispensations of His Providence. Health has generally prevailed throughout the land. Bountiful crops, but slightly affected by the drought, which has so extensively prevailed and so severely afflicted many of the states, have compensated the labor of our farmers. Add to these blessings the continued flow of emigration, the increase of wealth, agriculture and commerce, and the growing concern for the promotion of education and the general diffusion of learning, and their combined results announce a high degree of prosperity for our young and favored State, and command the grateful acknowledgments of all its inhabitants.

By an act of the last legislature, approved January 23d, 1829, it was made the duty of the Executive to contract for a loan of seventy thousand dollars, to enable the state to redeem the outstanding Auditor's Warrants and Loan Office Certificates. I have now the pleasure of in-

forming you, that this duty has been performed agreeably to the terms of the act requiring it.

The beneficial consequences resulting to the State, from this loan, must, I think, be manifest to all. It has enabled her to withdraw from circulation, to a great extent, a species of paper, which at all times has been greatly below par, and which at no period of its existence answered the purpose to any considerable extent of a circulating medium. Our citizens through whose hands it passed, were greatly the losers by it; and the State, in all contracts which she found it necessary to make, sustained a loss of from twenty-five to fifty per cent.

Large money holders were the only description of persons benefited by our ruinous paper system. They purchased up the warrants and Certificates at from twenty-five to fifty cents on the dollar, and held them until they were enabled to draw from the Treasury the principal, together with the interest which had accrued thereon. Being relieved from this system is a source of gratulation, and we should deprecate the day when it may again be revived.

According to the report of the Auditor of Public Accounts, the State debt on the first day of October, 1828, amounted to the sum of $104,267.74 and three fourths cents, exclusive of the interest thereon. On the authority of an estimate then made, I stated in my communication to the last General Assembly, that the State debt would, in all probability, be reduced to about $75,000, exclusive of interest, by the 31st December following. I regret to say that this favorable expectation has not been realized to the extent anticipated. This may be accounted for in part by the fact, that the interest due on the Auditor's Warrants and Loan Office Certificates, called in and redeemed under an act of the last Legislature, amounted to a much larger sum than was supposed. The interest, which had accrued thereon, together with the amount paid since October, 1828, for Loan Office Certificates redeemed over and above the amount which appears from the official reports to have been issued, has in a great degree absorbed the surplus revenue for

the two last years, after defraying the ordinary expenses of government.

From a report of the Auditor recently made to me, it appears that the debt of the State, on the first day of October last, amounted to $97,686.79. This debt, though great, has now assumed something like a tangible shape. It consists of the State loan, amounting to $70,000, the three per cent. fund, borrowed, being $19,369.59, and such outstanding Auditor's Warrants as yet remain unredeemed; the last of which, according to the report referred to, ought not to exceed $8,317.20. The resources of the State are considered amply sufficient to enable her to discharge the whole of this loan at or before the time agreed on for its final payment, the 1st day of January 1834.

There appears to be a discrepancy between the reports of the Auditor and Treasurer, as lately made. The Treasurer makes the State debt $107,471.04, exclusive of such outstanding Auditor's Warrants and Loan Office Certificates as were issued prior to 1823; while the Auditor, as before stated, makes this debt amount to but $97,686.79. The Auditor supposes the difference to arise, in part, from the fact of Auditor's Warrants to the amount of $18,278.13, having been paid into the Auditor's office, prior to the passage of the act of the Legislature requiring all monies received for Loan Office debts to be paid into the Treasury. As the reports of these officers will doubtless be laid before you, giving their views on this important subject, it is unnecessary for me to dwell longer upon it.

The net revenue which will be received into the Treasury during the present year, is estimated at $60,000. Add to this, $14,869.68, the amount reported as being in the Treasury on the first day of October last, and there will be $74,869.68, subject to the disposition of the government. The expenditures of the government for the next year, including the expenses of the present session of the General Assembly, are estimated at from $40,000 to 45,000. This will leave a balance in the Treasury of from $29,000 to 34,000, applicable to the payment of the State debt.

The expenditures for the year 1832, will not, it is supposed, exceed $35,000. Should the revenue, then, of 1831, equal that of the present year, of which no doubt is entertained, it will at the close of the year 1831, leave a balance in the Treasury applicable to the reduction of the State debt, of about $30,000.

By the reports of the Auditor and Treasurer, it appears that the whole amount of the Loan Office Certificates issued under the authority of the State, is $184,788; and the amount redeemed by the State is $188,647, being $3,859 more than appears to have been originally issued. Besides this there are upwards of $5,000 of these Certificates known to be in the hands of agents of the United States at St. Louis, making an aggregate of more than $9,000, over and above the amount said to have been issued. This subject will, I presume, be fully laid before you by the Auditor and Treasurer; and will no doubt claim your particular attention.

Since the last session, the appeals taken by the borrowers of Loan Office Certificates to the Supreme Court of the United States, have been decided. The Court took two years to advise after the first argument of the cases, and after requiring them to be reargued at the last term, finally rendered a decision not only adverse to the constitutionalty of the Loan Office law, but against the right of the State to recover the debts due her for loans which were secured by promissory notes and mortgages. This decision of the Court was not unanimous; three Judges dissenting, and four concurring in the opinion rendered; and thus, by the decision of a majority of one, a great loss has been sustained by the State.

The outstanding debts due from the borrowers amount to $42,896.49, the interest on which, calculating from the year 1822 to 1830, amounts to about $20,000. This added to the principal will make a total sum of $62,806.49 due from Loan Office debtors by whom, it may be assumed as highly probable, further payments will not be made. Thus terminates a system which must be considered as

unfortunate as it was impolitic. It has been a losing business to all, except to the borrowers who are sheltered by the decision of the Supreme Court, and to the speculators who purchased the paper at reduced prices.

Notwithstanding the State debt is yet considerable, I am clearly of opinion that it would comport with justice and sound policy to reduce the ratio of taxation. The taxes as they now exist in this State, may be considered in some degree excessive. An advantage to be derived from such a policy would be to allow the people a longer time to pay the State debt, which under the present rate of taxation, they would pay in three or four years. The oppression will be diminished by dividing the burden. The State debt is, in some measure, the effect of putting a new government into operation. This government is equally beneficial to original settlers and to subsequent emigrants. They should therefore pay a proportion of its expenses. I would then suggest to the Legislature the propriety of reducing the rate of taxation from one fourth to one fifth of one per centum, to take effect from and after the first day of January 1832.

From the rapidly increasing population and the constantly growing wealth of our State no doubt is entertained after reducing the rate of taxation as herein proposed, that the annual revenue will be equal to one payment of the instalments of the State loan, as they become due, in addition to defraying the ordinary expenses of the government. As, however, there are yet outstanding and unredeemed Auditor's Warrants against the State to a considerable amount, it is conceived that it should be neither safe nor advisable that a reduction of the rate of taxation should take effect at an earlier period than the day above named.

The annual sale of lands for taxes, which may be due thereon and remain unpaid after the first day of January, in each and every year, is a policy, in my estimation, of the most injurious character. It is one which many of the older states have long since abandoned. It has had the

effect of embarrassing land titles and impairing their validity in every country where the system has been introduced. In all countries the agricultural interest is considered one of paramount importance. Our pursuits must remain essentially agricultural; and therefore, we should give every possible encouragement and security to that branch of industry. The sale of lands for taxes, under our present system, it is believed, embarrasses and puts in jeopardy the titles to some 1000 of 1500 tracts annually, while the revenue arising from such sales amounts to but a few hundred dollars. I therefore recommend a revision of the revenue system, so far as regards the annual sales of these lands, and suggest the propriety of providing for their sale once in every four years. Let it be the duty of the Auditor to advertise delinquent lands annually, and shew the amount of taxes and penalties due on each tract. Let the owners of such lands be charged at the rate of twenty-five per cent. per annum, or more, on all taxes due, until paid, and with the expense of annually advertising the same, as now prescribed by law; and let the State hold a lien upon all such lands until the taxes and penalties shall have been fully discharged. Some such change would, I think, prove highly beneficial to the landed interest of the State, and would at the same time amply secure this branch of the revenue against delinquencies.

The expediency of extending the jurisdiction of the State over the Indian tribes, remaining within our limits, is submitted to the consideration of the Legislature. The states in the northeast quarter of the Union have long since done so. Some of the southern states have lately found it expedient to do so; and for the exercise of this prerogative of sovereignty, one of them is about to be placed on trial before the Supreme Court of the United States. A regular and extensive opposition to the performance, by Georgia, of the same act which has been done without censure by many states in another quarter of the Union, has fully developed itself; and this opposition to the exercise of an ordinary attribute of sovereignty by

one of the states, renders still more apparent the necessity for those in similar circumstances to step forward at once, and assert this indubitable right. Missouri has several tribes of Indians within her limits. The ground they occupy is not attached to any county, and hence the State officers cannot act in relation to the offences committed upon it. This is manifestly inconsistent with the sovereignty and policy of the State. Her sovereignty extends to her lines, as fixed by her compact with the United States and by her constitution. Further forbearance, under the circumstances by which we are surrounded, might be construed into a surrender of this right of the states; for it is now clear that the monstrous doctrine of Indian Sovereignty, within the limits of the States, is to be maintained and enforced by a most extensive combination, who seem determined to provoke and abide the disastrous consequences, which may result from this attempt against the sovereignty of the states. The erection of a sovereignty within a sovereignty is a solecism of the utmost absurdity. As independent and sovereign nations, the Kickapoos, Shawnees, and Delawares, would abridge the sovereignty and circumscribe the jurisdiction of the state. Their territory, if their right to independence and sovereignty be conceded, would become the workshop of crimes and the refuge of criminals. Indian territory in the North Eastern states is not exempt from the operation of state laws, nor are Indians themselves, in whatever part of the State they may be, beyond the reach of the civil and criminal codes of the States. Thus it should be in every well regulated state.

The citizens of Missouri have already been greatly harassed by the depredations of Indians, and appeals to Congress are resorted to in vain. Year after year passes away before indemnity can be obtained, and often it cannot be obtained at all. Justice to the citizens, and the rights and dignity of the state, require Missouri to make the operation of her laws coextensive with her limits. The expediency of doing so is submitted to you.

Early in the summer of 1829, it was ascertained that several bands of Indians had entered the North Western part of the state and located themselves in hunting parties. Soon after the arrival of these people, they commenced depredations on our citizens, who had settled on the head waters of the Chariton with the view of raising stock, by insulting them in the grossest and most wanton manner.—

They killed and used their stock to a large amount, menacing the security and threatening the lives of the inhabitants. These outrages necessarily excited our citizens against the Indians, a party of whom visited their encampment to reclaim the property which had been stolen and to require them to move beyond the limits of the State. Finding the Indians prepared for action, a conflict ensued, in which three of our citizens were killed and four wounded, one of whom subsequently died of his wounds. On the part of the Indians, it is said there were from four to six killed, and some wounded: When this intelligence reached the interior, it caused a general excitement among the people. More than two hundred men assembled at Fayette, and marched immediately towards the scene of these transactions. As soon as these events were made known to me, I approved of the course that had been taken, and ordered the troops to proceed with all possible despatch to the frontier, and chastise the offenders if found. The Indians, however, fled with much precipitation beyond the limits of the state, and, as has since been ascertained, to the Sac villages on the Mississippi.

From the excitement produced, and the apprehension that those Indians might commit further acts of violence, the Major General commanding the first Division, ordered to the frontier an additional detachment of about two hundred men. But finding the hostilities committed to have been the unauthorized act of a lawless band of Iowas, disapproved and condemned by the nation to which they belonged, and no longer entertaining any apprehension, from the hostility of those Indians, I immediately ordered the return and dismissal of the troops.

I demanded of the Superintendent of Indian affairs at St. Louis, the apprehension and surrender of the offending Indians. That officer discovered a zeal on the occasion deserving the highest praise. With readiness and despatch he caused them to be pursued, taken and delivered over to the civil authority of the county of Randolph. They were subsequently discharged, as I have been informed, in consequence of the witnesses on the part of the state not being able to identify them as the Indians who first commenced the attack.

This whole transaction was represented by me to the President of the United States shortly after its occurrence, and indemnity was claimed for the expense which the State had incurred in the expulsion of these intruders from her limits. I likewise communicated with a portion of our delegation in Congress on the subject, asking an appropriation sufficient to pay off the troops called into service on the occasion, and forwarded the necessary papers to enable them to form a correct estimate of the amount required for this purpose. I regret to say, however, that Congress has yet made no appropriation for this object, but it is believed there will be but little, if any difficulty, in procuring one at the approaching session. The subject was laid over at the last session with the other unfinished business of Congress.

In the fall of the same year, the Sac and Fox Indians, to the number of several hundred, entered the western part of the State, and locating themselves on the Chariton and Grand rivers, immediately commenced depredations on the inhabitants in that quarter. The sufferers complained to me, and requested that I would cause the Indians to be removed from their settlements. No time was lost in calling upon General Clark, the Superintendent of Indian Affairs, to cause their immediate removal beyond our boundaries, and to take the necessary steps to prevent their future incursions. Agents were despatched with orders to the Indians to remove; but to these orders they either paid no regard, or returned a positive refusal of obedience. The

Superintendent communicated to me their temper and conduct, with an expression of his opinion that there remained no alternative but to expel them by military force. To effect this, a detachment of about fifty men was ordered out, who marched to the frontier and in a few days performed this duty. Immediately on the return of this detachment, it was discharged, and muster rolls showing their term of service were made out and forwarded to our members in Congress, as in the former case.

I have deemed it my duty to be thus particular in detailing these transactions, to enable the Legislature to adopt such measures in relation to the subject generally, as may be thought most advisable and proper. It is the duty of the General Government to protect the State against violence and invasion, and when they fail to discharge this sacred obligation, it becomes the duty of the injured and neglected party to protect themselves.—I would recommend the adoption of a memorial to Congress, claiming an appropriation for the payment of the troops called into service on the occasion referred to, and a more efficient protection against the incursions of the numerous tribes of Indians located on our borders. As an individual, I certainly entertain no ill-founded prejudices or hostility against this truly unfortunate race of people but rather consider them as commanding our sympathy and commiseration. Yet I cannot consent that they shall be permitted to overrun our State, and to destroy, with impunity, the persons and property of our fellow citizens.

Our trade to the northern parts of New Mexico continues to be prosecuted by our citizens, and is an essential and important branch of the commerce of Missouri. Numerous applications have been made to Congress for the protection which is due to it, and which a mounted force alone can give. A bill passed the Senate at the last session of Congress authorizing this species of protection, but remained unacted on in the House of Representatives. Its passage is imperiously demanded by the interests of the State, not only for the protection of the trade in question, but for the

general security of the frontiers, and the preservation of good order among the numerous tribes of Indians, resident or removing beyond this State and the territory of Arkansas.

A new organization of the Militia of the State, so far as regards the Divisions and Brigades, might be attended with some advantages. I would recommend that the state be divided into four Divisions and a convenient number of Brigades, not to exceed eleven, and that the Brigades be numbered from one upwards. According to the present organization, the Brigades are numbered from one to three, in each division. The impropriety of such an organization will be apparent when we consider the inconvenience which would arise, should a Brigade of the same number be ordered into service from each of the Divisions. This inconvenience would be still more obvious, should it become necessary, as has been the case, to detach a Brigade from one Division and attach it to another. The result would be, to throw two Brigades of the same number into the Division to which the transfer was made. These transfers might frequently become necessary; and when made would have the effect of deranging the commission of every officer in the Brigade.

Let me further suggest the propriety of so amending the Militia law, as to authorize the executive to call for and accept the services of volunteers, when required by the exigencies of the State; and to allow all volunteer companies, battalions and regiments, the privilege of electing their own officers; and to make it the duty of the Executive to commission them for the time they may be called into service.

The disposition of the public lands will continue to be an engrossing subject so long as the General Government continues to be a proprietor within the States. Paying no taxes, fixing their own price, and passing penal laws to punish the citizens in the Federal Court for trespasses makes the continuance of this proprietorship eminently disadvantageous to the States. The Federal Government has sold but little upwards of a million of acres in Missouri, and is now the owner of above thirty-five millions. With an arbitrary minimum which keeps a great portion

of the public lands entirely out of Market, the sales, without a great reduction of price, graduated to the quality, will not be completed within ages and centuries to come. Slow as these sales progress, attempts have been made to retard them still more. The last session of Congress will be memorable for a proposition in the Senate to stop the surveys and restrict the sales—for another in the House of Representatives, to divide the proceeds of the sales of the public lands among the several states according to their relative population—and for another in the Senate to remove all occupants therefrom. These several propositions were of the most injurious character to the new states; and were met with a becoming spirit of resistance by most of the delegation from those States. By their exertions, these propositions were severally rejected or postponed; but the spirit which produced them was not extinguished. For several years a plan had been depending in Congress to reduce the price of public lands according to their quality, to make donations to settlers and to cede the refuse to the states for the purpose of education and internal improvement. This plan has received the general sanction of the new states, is well calculated to hasten the sales of the public lands, and to furnish a home to every citizen; and had it been supported with that unanimity which had been anticipated, it would no doubt have ripened into a law before this time. A part of its provisions received the sanction of the Senate at the last session. The price of the lands which had been three years or upwards in market at $1.25 cents per acre, was reduced by the Bill which passed that body to one dollar per acre to ordinary purchasers and to seventy-five cents per acre to actual settlers; and a pre-emptive clause was adopted, securing such settlers in their possessions. The provisions, it is to be hoped, will receive the sanction of both houses of Congress, and become a law at the ensuing session. They will cure a part of the evils under which the new states labour, but not the whole of it. An immense proportion of the land now remaining to be sold is not worth seventy-five cents per acre. Further

reductions to fifty cents, and twenty-five cents, and eventually still lower, will be necessary; and donations to actual settlers, and especially to indigent families, should never be lost sight of.

For my views on the importance of education, and on the subject of the disposal of the two townships of land granted to the state for seminaries of learning, and also the salt springs and lands attached to them, I refer the Legislature to my message of 1826 and 1828. An opinion has prevailed that the assent of Congress was necessary to the validity of their disposal, and in conformity with this impression, some steps have been taken towards procuring that assent, which have not as yet resulted in any decisive measure. It may, therefore, to avoid loss of time, become proper for the Legislature to determine, whether a law of the state, without reference to the assent of Congress, may not be sufficient to pass the titles to the Seminary lands. A conditional law, to take effect after the assent of Congress shall have been obtained, is another alternative which may be worthy of consideration. The importance of the subject requires the action of the present Legislature. Young and growing counties require the Seminary lands to pass into private hands. The interest of education requires the commencement of a state College. The investment of the money arising from the sale of these lands, so as to combine safety with profit, will present a subject of anxious enquiry. Its commanding importance and the deep interest which the State must feel in having a well educated population, induced me again to urge this subject upon the consideration of the Legislature.

I again beg leave to recommend to the Legislature the propriety of authorizing the disposal of the lands purchased from persons indebted to the state on account of Loans made at the several Loan Offices. From the best information I have been able to obtain, that portion of the property which has been improved is rapidly falling into a state of decay and disuse, and if not soon disposed of the improve-

ments may be considered in a great measure as lost to the State.

I am so entirely convinced of the soundness of the policy of encouraging the growth of hemp, and its preparation for market by water-rotting, that I am induced to request your attention to my views on that subject, as communicated to the Legislature at their last session. Hemp is a growth well adapted to our soil and climate. There is perhaps no part of the world better suited to the production of this article than the State of Missouri. Yet while our hemp commands but from $80 to $120 per ton, that of Russia and other countries in the North of Europe, commands from $220 to $280. Here then is a difference of more than one hundred per cent. in the price of the same article, in the same market, and that, too, against the farmers of our own country, occasioned entirely by the different modes of preparing it for market.

In Russia and other countries in the North of Europe, hemp is prepared by *water rotting;* in ours by *dew rotting;* and to this circumstance as already remarked, is attributable the difference between their hemp and ours. The commissioners of the Navy Board have repeatedly made known the fact in their official reports, that the American Hemp, when prepared after the Russian method, is equal both in appearance and durability to that of Russia or any other country. If premiums should be offered for the best ton of *water rotted* hemp, to be delivered at such points as the Legislature may designate, I entertain no doubt it would have the effect of inducing our citizens to change their mode of preparing this article; and thus, in a few years, might the cultivation of hemp be rendered the most profitable branch of our agriculture. The Legislatures of the states of Ohio and New Jersey, have taken steps within the last two years, to encourage the cultivation of this article and to improve the mode of preparing it for market, the one by causing a manual to be prepared and published at the expense of the state, shewing the best and most approved system of cultivating and water rotting hemp; the other if I

mistake not, by offering premiums of the character and with the objects herein suggested.

A report on the culture and treatment of flax, as practised in Ireland and the Netherlands, which will be found to contain some valuable information on those subjects, is communicated to you with the request, that, being the property of a private individual, it may be returned at the close of the session.

The continuation of the Cumberland Road to the Seat of Government of this State, is an event to which we have looked with most anxious solicitude. During the last year a route was surveyed under the authority of the United States, from St. Louis to this place, on the South side of the Missouri river, with the view, as was then supposed, of locating the road. No further steps it is believed have been taken in regard to it.

Appropriations were made at the last session of Congress for continuing this road through the state of Ohio, and for opening and graduating the same through Indiana and Illinois. The bill passed the Senate making an appropriation to open and graduate this road from St. Louis to the Seat of Government of this state. This appropriation notwithstanding its justice, was, contrary to all expectations, stricken out in the House of Representatives. Some hopes however are entertained, that an appropriation for this purpose will be made at the next session of Congress.

The making of this road is secured to the State by compact. The General Government has received the money of the people, which, by the terms of the compact, is set apart and pledged as a fund for the construction of this important work. It is, therefore, a duty which the State owes itself, to claim its location and final completion.

The improvement of the Mississippi river from the mouth of the Missouri to the Des Moines, and of the Missouri from its junction with the Mississippi to the Kansas, by removing the snags and other obstructions to safe navigation, is an object deserving the attentive examination of the Legislature. It is believed appropriations have been

made by Congress, for removing obstructions in the Mississippi from New Orleans to the mouth of Missouri, and the navigation between these two points has been greatly improved within the two last years by an inconsiderable expenditure of public money. The propriety therefore of asking an appropriation of Congress, sufficient to make the improvements suggested, is a subject for your consideration.

The legislature passed an act entitled "an act extending the benefit of an act for the relief of insolvent debtors, to persons in confinement for fines," which was approved on the 21st January, 1829, and also an act entitled "an act supplementary to an act concerning crimes and punishments," which was approved on the 5th January, 1829. To the first mentioned of these acts and to the 3d sec. of the latter, I wish to call the particular attention of the Legislature.

It is confidently believed that the provisions of the above recited acts have failed of the benevolent intentions of their authors; and that crimes of the grossest nature, and frauds of the most injurious character to the State, and to society in general, have been practised under them. Let me, therefore, request the legislature to give them an examination.

The Penitentiary system merits the attention of the Legislature. The State might gain some advantages by its adoption. Crimes would be less apt to go unpunished, and punishments could be better apportioned to the grade of offences. The confinement of criminals under the existing system is grievously expensive to the State, whereas under the Penitentiary System, they would be employed in useful labor. Individuals whose characters are disgraced by corporal punishments, beyond the hope of reparation, might, otherwise by confinement to hard labor, be made useful citizens. Protracted punishment, even of a milder nature, is more effectual in preventing crime, than punishments of short duration, although painful to excess.

The expenses incurred by the State under the present

system, would in a few years, go far towards paying for the construction of a penitentiary of convenient size. But whether the finances of the State are at this time in a condition to commence the erection of one, is a question entirely for the consideration of the Legislature. If one should be erected, I would advise the propriety of its being so constructed as to admit of enlargement as the exigencies of the State may require.

I herewith communicate to the House of Representatives the annual Report (marked A) of the Board of Managers of the Prison Society of Massachusetts, for the year 1826, another Report (marked B.) of the Directors and Warden for the Connecticut State Prison, for the year 1828. Much useful and interesting matter will be found in these reports, on the polity, construction and management of State Prisons. As but one set of each has come to hand, I have to request that the House of Representatives will be pleased to communicate them to the Senate, as soon as they may have completed their own examination of them.

The census of the several States of the United States, has been taken during the present year, with a view to the apportionment of representation in Congress. If under the new census, the ratio of representation should be fixed at forty-five thousand, we shall probably be entitled to three Representatives. Should the ratio be increased to fifty thousand, we may be entitled to not more than two for the next ten years. To avoid if possible, the expense and inconvenience of an extraordinary call of the Legislature, for the single purpose of providing for the election of Representatives to Congress, I have thought it advisable to recommend the consideration of that subject at this session of the Legislature. Application has been made to the Marshal of this district for an abstract of the census of this State. Should it be received in time, it shall be laid before you immediately, together with any other information in my power to communicate which would aid in your deliberations on the subject.

The necessity of establishing a State Library, is to my

mind so great, that I cannot but avail myself of the occasion to solicit your attention to my views on that subject, as contained in my communication to the Legislature at the last session. An annual appropriation of a few hundred dollars, to be applied to the purchase of books, would enable the State to procure such as are most wanted, and to lay the foundation of a work of inestimable character, to be increased and promoted hereafter, as the finances of the State may justify.

A splendid map of the State of Virginia, and a neat and handsomely executed one of the State of New Jersey, have been presented through the Executives of those States to the State of Missouri. This interchange of civilities among the several States, not only enables each member of the confederacy to form correct ideas of the geography and topography of every other, but is an evidence of that friendly feeling which should prevail among the several members of an Union, whose great and leading interests are reciprocal and inseparable. These tokens of regard from the States in question, are submitted to the Legislature, to make whatever disposition of them they may think proper.

Since the adjournment of the last Legislature, I have received from the Governors of many of the States, sundry reports, resolutions, and memorials, relating to various important subjects, with a request that I should lay them before you for your consideration. In compliance therewith, I transmit to you resolutions from the State of Louisiana on the subject of amending the constitution of the United States in relation to the term of service of President and Vice-President, and a resolution on the subject of the Tariff—Resolutions from the State of Mississippi on the subject of the Tariff and the amendment of the Constitution of the United States proposed by this State—Resolutions from the State of Georgia on the subject of amending the Constitution of the United States in relation to the election of President, and a memorial and remonstrance from the same state on the subject of the tariff laws of the

United States—Resolutions of the Legislature of South Carolina relative to the Tariff laws and internal improvements, and a protest of the same body on the subject of the Tariff—Resolutions from Alabama on the subject of the emancipation of slaves, and a memorial in relation to forfeited lands—A resolution from the State of Tennessee, on the subject of a Hospital on the Mississippi river—Certain resolutions and a report of the Legislature of Virginia, on the subject of the Tariff and Internal Improvements—Resolutions of the General Assembly of Kentucky on the same subject—Resolutions from the State of Ohio, in relation to the Tariff, and to an amendment of the constitution of the United States—Resolutions from the State of Indiana, on the subject of the right of that State to the soil and "eminent Domain" of the public lands within her limits, and a memorial relating to certain works of internal improvement—Resolutions from the State of Pennsylvania, relative to the present Tariff laws—Resolutions from the State of Maine on the subject of internal improvements—A Resolution from the State of Connecticut on the same subject, and certain proceedings of her Legislature, relative to the amendment proposed by this State to the Constitution of the United States—And resolutions from the State of Vermont on most of the subjects herein before mentioned. Courtesy to our sister states, and the propriety of a free interchange of opinions among the constituent members of the Union, as well as the interesting nature of the questions examined and discussed in these documents, cannot fail to command for them your respectful and deliberate consideration.

The recovery of a direct trade with the British West India Islands, a commercial treaty with Turkey and the opening of the ports of the Black Sea to our commerce, are auspicious events, and strong evidence of the just regard for the United States, with which the administration of President Jackson has inspired foreign Governments. The trade to the West India Islands is of peculiar value to the Western States, Missouri inclusive, both from the position

of those Islands, so convenient to the mouth of the Mississippi, and the articles they take from us, consisting of our surplus provisions, and the return cargoes, consisting partly of gold and silver, and partly of other articles not the growth or produce of the United States. A direct trade in such articles was not only valuable in itself to the Western States, but absolutely essential to put these states on an equal footing in regard to this trade with those on the margin of the St. Lawrence river, whose products could be shipped from British ports, and in British vessels, while the same description of articles from the west would incur double freights, commissions and insurances, in seeking an indirect route, passing through an intermediate port belonging to some foreign power, and thus acquiring a new national character before they could reach the British Islands. The restoration of this direct intercourse will save time and money, will increase the consumption of the products of the United States in those Islands, will put all parts of the Union on an equal footing with regard to it, and will tend to promote the harmony of the two countries, and to introduce further ameliorations in their commercial intercourse. The chief of these would be the reception of American tobacco and provisions on better terms in England. At present, our tobacco pays three shillings sterling a pound, duty, and provisions are virtually excluded. The reduction of this enormous duty on tobacco, and the almost prohibitory duty on provisions, is of the highest moment to this state; and the successful termination of the West India negotiations authorises the hope that the present administration may be enabled to accomplish some desirable change in the tobacco and provision trade with England.

I cannot close this communication without alluding to the great and wonderful event of which France has been the theatre, and which has electrified the civilized world. Nearly forty years ago it was said by Gen. LaFayette that "for a people to be free it was sufficient that they willed it." He has lived to see the verification of this sublime expression; to see it verified on the spot on which he made it, and by

the people to whom it referred; and to be himself the leading actor in the great scene, Such courage in combat, such order in civil war, such moderation in victory, such wisdom in laying the foundations of a new government, reconciling all interests, and avoiding all shocks at home and abroad, has never been excelled, and gives to the French revolution of three days, a moral grandeur and sublimity, which crowns the history and the fame of this Great Nation, distinguished so many centuries for her heroic achievements. Americans may truly rejoice in this wonderful event; for it has its remote cause in the example of their own Revolution, and has for its leader the consistent Patriot, who is American as well as French and whose practice and professions reflect continued honor upon the principles and institutions of his adopted country.

In conclusion I tender you the assurance of my readiness, cheerfully and faithfully to co-operate with you in your efforts to improve the condition of the State, to alleviate as far as practicable the public burthens, to secure our citizens, in the enjoyment of their liberty and property, and on all measures calculated to promote their prosperity and happiness.

JOHN MILLER.

CITY OF JEFFERSON, NOVEMBER 16TH, 1830.

THIRD BIENNIAL ADDRESS

NOVEMBER 20, 1832

From the Journal of the Senate, pp. 11-24.

Fellow-Citizens of the Senate, and of the House of Representatives:

We have once more met to discharge those solemn and interesting duties, which the people, in their constitution, have required of us, and which the fluctuating condition of human affairs seems to make necessary. In the spectacle which is thus exhibited, how much is there of admiration for its wisdom, of pride for its enjoyment, and of pleasure for the blessings which it dispenses. The contrast with the situation of other nations, their laws and their institutions, which so worthy an object of contemplation is calculated to bring to the mind, is a pleasing reflection to every American bosom, and shows the immeasurable distance between the principles upon which their Governments are founded, and those upon which ours, both federal and state, move, act and are regulated. Ours is a practical illustration of the principle of subjecting governments to the will, and adapting them to the condition of the people, which almost every nation in every age, has condemned as idle and visionary. But how simple is truth, and how powerful its influence! The wars and the struggles that have occurred within the last half century, and the blood that has been shed, to revolutionize the old and establish new Governments, upon the principles of our own, now acknowledged practicable and correct, are plain demonstrations that we stand as a beacon light to the world, penetrating the darkness which has so long enveloped it, and removing from the eyes of the ignorant, the film that has so long bewildered them. Truly, we have constant cause for rejoicing, enjoying as we do, every blessing which the human heart can desire, or the mind can conceive necessary for its happiness. That our Governments, federal and state, happily con-

structed to be the surest of all these enjoyments, may live and last as they have begun, and as they now are, one in interest, indivisible in the bonds of attachment, with privileges equal and common to all, is my fervent wish.

In presenting to your attention a general view of the condition of our State, I am happy to inform you, that it is flourishing and prosperous. Our industrious and intelligent citizens give an earnest that this young sister of the Republic is destined to be great and powerful; indeed it could scarcely be otherwise, with a moderate use of those bounties with which we have been endowed by nature. The tide of emigration still flows to our State, and enriches it with a population that is fast converting the deserts and haunts of savages into cultivated fields to be the future homes of virtue, of peace and of plenty. Industry and a fertile soil have rewarded our farmers with comparatively abundant crops, and a kind and salubrious climate has blessed our citizens with their usual good health. I regret to say, however, that our land has recently been visited by that dreadful scourge to which so many human beings have fallen victims; a scourge that, in its strides of death and desolation, seems to be making the circuit of the Globe. For a short time past, it has abated its fury, and it is ardently hoped that, by the interposition of a Beneficent Providence, we shall soon be relieved from this direful calamity.

Notwithstanding this heavy affliction, we have abundant cause to lift up our hearts, in pure devotion, to the Great Author of all good, and to beseech that he will continue to bestow his blessings upon us.

The condition of our finances is prosperous; and the revenue, small as it is, will it is believed, be equal to the expenditures of the Government including the payment of the instalments of the State debt, as they fall due, together with the interest on the same. The net revenue of the State which will be received into the Treasury during the present year, is estimated by the Auditor of Public Accounts at $66,000. This added to the sum of $5,000 reported as being in the Treasury on the first day of the present month,

will make the sum of $71,000, applicable to the expenditures of the Government. The expenses for the year 1833, are estimated at $70,000. These will consist of the ordinary expenses, including those of the present General Assembly, and of the third instalment of the state loan together with the interest which will accrue on said debt, during that year.

From the first day of January, 1831, to the first day of January, 1833 inclusive, the amount of the State debt which will have been paid off, including interest will amount to the sum of $60,112.50. The balance of the debt, after the first day of January 1833, will be, exclusive of interest, $36,869.51 cents, which consists of the following amounts: The fourth and last instalment of the loan procured by the State from individuals $17,500: and the amount which was appropriated by the State from the three per cent. fund is $19,369.51 cents, making the whole unredeemed debt of the State, after the first day of January next, as above stated, amount to $36,869.51 cents. It may be confidently anticipated from the increase of wealth consequent upon the continued emigration to the State, that the revenue will hereafter be adequate to all the exigencies of the government, and without imposing any additional taxes or burdens on the people, the debt may be extinguished in the years 1834 and 1835.

The act of the last General Assembly which required a sale of the Seminary Lands, has been partially executed, and the Lands situated in the salt river and Western Land Districts have been offered at public sale. The sales in these two districts amount to the sum of $39,938.19 cents. A considerable portion however, of the lands in these districts were not sold at the public sales, and the act not authorizing them to be otherwise disposed of, they still remain unsold. To complete the sales of these lands, further provision by law will be necessary. Patents have not yet been issued for the lands sold in the Western Land Districts: but have been withheld in consequence of representations having been made, that means were employed

to prevent a fair and equitable sale. It was deemed prudent to withhold the patents, until the Legislature should assemble and have an opportunity of investigating the truth of these representations. If ill founded, the Patents can issue immediately, and little or no inconvenience will have occurred to the purchasers from the brief delay; if, on the other hand, it should be ascertained that the State has been injured, it will belong to the Legislature to indicate the nature of the remedy.

The Seminary Lands in the Cape Girardeau District, were not offered for sale in consequence of the non-attendance of one or both of the officers appointed to superintend the sales; further provision by law will therefore be required to effect the sales in this district.

Partial sales have been made of the Saline Lands, according to the Saline and Seminary Lands, for the purposes of education, would seem to be recommended by the soundest reasons of public policy. Money is said to be power, and it may be so: but knowledge in a government of free and equal laws, is power of a higher character; and hence the diffusion of knowledge, by the promotion of education, becomes a primary duty in this free and happy land. This duty devolves upon the State, as well as upon individuals. Parents should educate their children; the State should consider all its citizens as its family, and promote the education of the whole. A more sacred application of the funds, arising from the Saline as also the Seminary Lands, could not be made than in their devotion to the cause of education. The investment of the Seminary fund, so as to combine safety with profit, will be a subject of anxious solicitude, and no little responsibility. Several modes of investment present themselves. First, loans to individuals; secondly, loans to Cities and Corporate Towns; thirdly, purchases of Stock in banks of other States. The superior safety of the second of these modes is so apparent, as to supersede the necessity of dilating upon the other two. The only objection to it, might arise from the abstraction of so much capital, should the loans be taken by other

States, or by distant Cities. A further mode of investing the proceeds of these lands has suggested itself to the minds of many, and would be improperly omitted in a communication of this kind. I allude to the establishment of a State Bank. Should it be deemed advisable to establish an institution of the kind, of which the immediate Representatives of the people in the two Houses of the General Assembly will be the proper judges, the State would have the means of subscribing and paying in, at once, towards the stock she might take, the following amounts, to-wit: The three per cent fund, amounting to upwards of $40,000; the Seminary Fund, which, if the sum arising from the sale of the Saline Land be added as recommended, amounts to $63,000; the School fund, that is, the money arising from the sale of the sixteenth sections, say $36,000, making in the whole $139,000. This sum with the amount which may be reasonably expected from further sales of these lands, together with the three per cent. fund which may hereafter be paid, and the bonus which the State might exact from private stock holders, in the event of granting the charter, would, it is believed, complete in a very short time, the payment of the stock which the State might hold.

Should a bank be established, I am inclined to think that the investment of these funds in it might be advantageously made. By doing so the capital and interest would be retained in the State, and the Legislature would have a more direct control over it, than by any other mode of investment. It would no doubt, place the college fund upon a safe and firm foundation, and the State, receiving the money in the first instance would become the debtor to the College for the amount received—guarantee to the institution the usual interest, and be responsible for the capital. The State would then constitute itself the trustee and guardian of the funds, the management of which would be in the hands of the Legislature; and in the event of any loss, it would be sustained by the state instead of falling upon the institution, to which it might prove fatal.

By an Act passed at the last Session of the General

Assembly, and sixteenth sections were authorized to be sold by Commissioners, and the proceeds loaned to individuals. Under this act there may be as many different commissioners for making these sales and loans, as there are Counties in the State. It is too obvious to the understanding, that this system if continued must lead to great irregularities in the payment of interest, and in numerous instances to the loss of the capital itself. I therefore beg leave, should the legislature deem it necessary to establish a Bank, to suggest the propriety of amending the law, so far as it authorizes the loan of the money, arising from the sales of these lands by the commissioners, and of providing for calling in, as early as practicable, the amount of the sales that have been made, and of investing the same as before suggested. The State in the event of the investment being thus made, would become responsible to the several Counties for the amount due to each, and pay to each, annually or otherwise its respective proportion of interest.

With regard to the three per cent. fund, I would suggest the propriety of investing it permanently, and of applying the interest only, to objects of Internal Improvement. The State would thus lay the foundation of a permanent fund for such objects, which might be increased from time to time, and ultimately be made adequate to the construction of the most important works of Internal Improvement, without a resort to taxation to any considerable extent.

Soon after the commencement of Indian hostilities in the State of Illinois, in May last, it was ascertained that unless protection was afforded to the citizens residing along our northern frontier, they would most probably fall victims to the barbarity of the Indians. Parties of the hostile tribes were discovered passing at different times thro' the northern part of the State, to and from the seat of War; committing acts of wanton violence to many of our citizens—threatening their lives, and driving off and killing large portions of their stock. Many of the inhabitants becoming apprehensive, of an immediate attack, removed with their

families into the interior of the State, leaving their houses, and other property exposed to the lawless depredations of the Indians. With a view of placing the State in an attitude of defence, and of guarding against surprise, as well as to give protection to the settlers on the frontier, on the 25th day of May last, the day after the receipt of the intelligence of Indian hostilities, in the State of Illinois, I ordered 2,000 mounted volunteers from the first and third Divisions to be raised and held in readiness. Two companies under the command of a Major, were ordered to range along that part of our northern frontier, lying between the mouth of the Des Moines and Chariton Rivers; and a similar force was posted west of the main Chariton, with instructions to range from that point along our frontier to the Western Branch of Grand River, and to the Western boundary of the State, if deemed necessary. A force of about equal strength was kept up, on that frontier, until after the defeat of Black Hawk and his party and his subsequent capture. Had not the protection been afforded, the well founded apprehensions of danger would have driven many of the frontier settlers from their homes, and prevented the cultivation of their farms, and many of them might have fallen a prey to the Indians.

The severe and merited chastisement inflicted on these people by the troops under the command of General Atkinson, will no doubt ensure peace to our frontier for many years to come. The citizens of Illinois and Missouri, owe to that meritorious officer, a debt of gratitude for the energy and ability with which he conducted and prosecuted the war, to a successful termination. The General Government, through Captain Brant, assistant Quarter Master, at St. Louis, very promptly assumed the payment of all proper and necessary expenditures contracted for supplying the State Troops placed by me on the frontier. The muster rolls of the men ordered into service, which have been recently received will without loss of time, be forwarded to the War Department for settlement. No doubt

is entertained but that they will be speedily adjusted, and the troops paid for their services.

It is desirable that the Northern boundary of this State be extended Westwardly on a straight line to the Missouri River, so as to include the territory lying between our Western limit and the Missouri, above the mouth of the Kansas river. This tract of country is about one hundred miles in length and it is believed varies in breadth from five to thirty miles. By annexing it to the State, the Missouri River would become our boundary, which would greatly protect that frontier from the invasion of hostile Indians, and prevent those questions of right to jurisdiction, which so often disturb the quiet of the country, and afford not only an excuse for, but a temptation to, the commission of crime. It would be moreover a lasting advantage of the citizens living in that section of the State, by affording them a free and uninterrupted access to the Missouri, the only vent for their surplus produce. Denied the navigation of this stream at the point nearest to them, the disadvantages under which they would labor, in consequence of the increased distance to a market, would considerably diminish the profits of their labor, and injuriously affect the price of all the Lands lying along our Western boundary above the mouth of the Kansas river. An extension of our Northern boundary from its intersection with the Des Moines, eastwardly, on a straight line to the Mississippi, so as to include that portion of territory lying between the Mississippi and the Des Moines rivers, is also an object of importance and concern to the citizens of this State. This tract of country is less in extent than that lying on the West, but its acquisition, besides contributing to the form and compactness of our Territory, is highly desirable on account of the fertility of the soil, and the many facilities it would otherwise afford. Should a state hereafter be formed to the North and West of us, it is obvious that the situation of these portions of territory, with respect to Missouri, would indicate her as the most proper and convenient proprietor. The attention of the last General Assembly was directed

to this subject, and a memorial to Congress was passed, praying for the annexation of these strips of territory to this State; and although I was deeply impressed with the importance of the object, and solicitous for its attainment, yet I was constrained by a sense of duty to interpose my negative, however unavailing, in consequence of the spirit of hostility it breathed against the wise and prudent policy, adopted by the General Government, of removing the Indians from the jurisdictional limits of this and other States, and sitting them on the unappropriated national domain. Although I have always regretted the necessity of placing Indians near our borders, yet as we are immediately interested in their removal, the alternative of having them on our frontier was more acceptable than their remaining within, not only the limits of our own State, but in those of others, engendering animosities and acts of open violence and hostility on the part of the Indians, producing collisions between the States and General Government, raising questions of sovereignty and Jurisdiction, and holding at the same time some of the finest portions of Land in a state of nature, which need but the enterprise of the white man to become the seat of the arts and sciences, and to grow in wealth and population. The interior commerce between this state, and the Northern Mexican states, notwithstanding the hazards to which it is exposed, continues to be pursued by our citizens with an undiminished energy, which I am happy to say is rewarded with a corresponding profit.

It is ascertained from those who have recently returned from those states, that the adventure of the present year has been more profitable than any which has been made for several years. The importance and value of this trade must be so manifest to all, that no one can refuse to extend to it, his fostering care. Was it protected by an adequate Military force, it would no doubt rapidly increase, and ere long become one of the most important and lucrative branches of our commerce. Notwithstanding the disadvantages and embarrassments to which this trade is at

present subjected, it is believed to yield a greater gain than any other branch of industry employing the same amount of capital. Did this commerce only promise to be temporary in its duration, liable to be diverted to other channels, or transferred to nations enjoying facilities superior to our own, we should not feel so deep an interest in its encouragement and protection. But the situation of the two countries relative to each other, while it gives to Missouri a sure guaranty for the permanency of this intercourse, presents in bold relief, the superiority of the advantages which we enjoy, above others, in supplying the commercial wants and necessities of those States, not only in cheapness and facility for transportation, but in every other respect. This important branch of trade then wants little more than the protection of a Military escort and the usual drawback allowed by law on the exportation of foreign goods, to render it both extensive and highly profitable. Towards the close of the past summer, application was made to the Executive of the General Government, for a detachment of the United States Troops, to protect this trade, accompanied by the request that they might be ordered as far as the Arkansas River, to meet and escort home our returning traders, who were expected to be on their way from the Mexican States. This application was met with a spirit and promptitude which do credit to that individual, and evince his devotion to the great interest of the country at large. But the application was made so short a time before the period at which our traders usually return home, that the interval was not sufficient to allow the troops, designated for that service, to carry into effect the orders of the President.

Since the last Session of the General Assembly a treaty of amity, commerce and navigation has been concluded and ratified between the General Government and the United Mexican States, which secures to the citizens of this country a right of entry for their vessels and cargoes, to all such places, ports and rivers of the Mexican Government, for the purpose of trade and commerce, on their paying the same,

but no other or higher duties than the most favored nations, are or may be obliged to pay; and for the purpose of regulating the interior commerce, between us and the Mexican States, it is further stipulated that the Executives of the two Governments shall have power, by mutual agreement, to establish the roads by which such commerce shall be conducted, and in all cases, when the caravans employed in such commerce may require protection by military escort, it shall be afforded and the period of departure for the caravans, and the place at which the escort of the two nations shall be exchanged, shall likewise be determined by mutual agreement. From these arrangements, the most beneficial results may be anticipated, and by the ensuing spring, it is confidently hoped that this commerce will be placed on a solid footing, and that a sufficient Military escort will be allowed for its protection.

I am gratified to learn that the Commissioners appointed to treat with the Kickapoo Indians, have succeeded in purchasing the Land which they occupied within our limits. This country is said to be of fine character, and will no doubt rapidly settle and become a flourishing section of our country. I recommend to the Legislature the propriety of requesting our delegation in Congress to use their efforts to have this country and all that portion of our Territory situate in the South Western and North Western part of the State surveyed and brought into market. This unsurveyed Territory, embraces an extensive body of fertile Land, which is now rapidly populating. It is due to the enterprising character of our citizens who have already, or may hereafter settle on this land, that an opportunity be speedily afforded them of acquiring soil rendered valuable by their labor.

Appropriations were made at the last Session of Congress, for the survey and improvement of the Mississippi River, from St. Louis to Galena; and of the Missouri River, from its mouth to the Kansas, and it is understood that commissioners have been appointed to carry into effect the intention of Congress, so soon as the examination and

surveys of those Rivers are completed, it is expected that further appropriations will be made, to remove the obstructions and render safe the navigation of these important streams. A hope is also indulged, that an appropriation will be made during the ensuing Session of Congress for extending the Cumberland Road to this place.

The condition of this City presents to the view of the Legislature a subject of much interest to the people of the State. If it is not to be the permanent seat of Government, that fact cannot be too soon made known; while on the other hand if it is to remain as such, it is advisable that those measures which would advance its prosperity should be taken with the least possible delay. Some of the principal streets are from the nature of the ground impassable. It is therefore respectfully recommended, that an appropriation be made for grading and otherwise improving them. The erection of a Penitentiary here, the necessity and utility of which cannot be doubted, would contribute in a great degree to settle the public mind in relation to the permanent location of the Seat of Government. It is very apparent that the State sustains great injury and inconvenience, for the want of such an institution, and the laws are no doubt sometimes unwisely relaxed to avoid the expense of imprisonment in the County Jails, and after all, the amount annually expended on this account, might in no great number of years make up a sum equal to the cost of the necessary buildings.

Amendments to some of the existing laws of this State are deemed necessary and proper. The penal provisions of our road laws, and indeed the whole of our acts on the subject of roads, as now in force are but little more than a dead letter. The condition of the roads throughout the State, abundantly proclaims this truth, and admonishes us of the necessity of a change in the existing system. I would therefore, earnestly recommend more efficient enactments in relation to this subject, and hope that such steps will be taken as will place Missouri

on a footing at least with the other young States of the Republic.

It is thought that the repeal of the law authorizing a change of venue in criminal cases by the last General Assembly has been productive of much inconvenience, if not manifest injustice. As the law now stands, a change of venue may be granted in a civil case, where life, liberty and reputation are at stake, this important privilege is wholly denied; many reasons might be urged in support of allowing it in all criminal cases, but it is deemed sufficient, on the present occasion, barely to introduce the subject to your notice, to receive that attention which so important a matter merits—Although the former act on this subject may have been defective, and have led to some abuses, yet it is worthy of your serious consideration, whether so essential a privilege may not be granted under such limitations and restrictions, as may both secure its enjoyment, and guard against those abuses which might arise from its indiscreet exercise.

By an act of the last Session of the General Assembly, the law requiring Sheriffs to give public notice of the time and place of holding General Elections, was repealed. It is submitted to your consideration, whether this was not an unwise and injudicious change. In a Government such as ours, it is of vital importance that the people should have every means of knowing when and where elections are to be held. They are the mainsprings of our Government, and are perhaps the only occasions on which the sovereign voice is fully expressed. It is not unwise then, for the purpose of avoiding an inconsiderable expense, to withhold information calculated to promote the exercise of this invaluable privilege.

The attention of the Legislature is called to the necessity that now exists of making provision for the election of an additional member to Congress. This State under the apportionment made by the last Congress is entitled to two Representatives; and the present Session of the General

Assembly, is the proper time to make provision for their election.

The appropriation made by the last General Assembly to increase the State Library, has not been applied to that desirable object. This was owing to the want of the final action of the two houses in designating the books intended to be purchased by the appropriation. The laws enacted and the appropriations heretofore made, for the encouragement and promotion of this object shew that the Legislature have been alive to this subject. The appropriations, tho' small have been as ample perhaps as could have been afforded from our limited resources. It is hoped that this matter will continue to receive the attention and fostering care of the Legislature in proportion as the finances improve.

A superior and splendid Atlas of the State of New York, together with a Map of the same, also a neat and finely executed Atlas of the State of Maine, and a Map of the State of Vermont have been received; all of which have been transmitted by the proper authorities of those States to the Executive of this State. In the interchange of such courtesies, reflections arise which will deserve to be promoted and cherished at all times, and especially under the present aspect of political affairs; at a time when State is arrayed against State, and Section against Section, it is gratifying and soothing to those who love and hold fast to the Union, to be permitted to turn away for a moment from the strife and turmoil of the day, and to be employed in giving and receiving those tokens of regard which remind us that the states of the Union have a common interest to serve, and a common country to love. Let us remember therefore that they are sisters of one great family, and endeavor to cherish that feeling for their lasting Union and harmony which is the surest guaranty and firmest hope for the existence of the Government.

The public Lands held by the Federal Government within the limits of the State must continue to be a subject of absorbing interest to the Legislature and the people, whilst the question of their final disposition remains un-

determined without the power of taxing or selling; without the power of rewarding enterprise and industry by securing pre-emption rights and donations to settlers, or of even disposing of swamps and marshes which generate disease, and interrupt communications, the State is not only crippled in advancing all those important interests which are so intimately connected with her welfare, but is evidently deprived of a large portion of her sovereignty; and this deprivation must continue until the Federal title to those lands is extinguished. The time has now arrived for acting definitively upon this important subject. The public lands, as well as those purchased from France and Spain, as those ceded to the General Government by Virginia, Georgia and a few other States, were pledged by the different sinking fund acts for the payment of the public debt; and until that debt is paid, a plausible argument was afforded for considering those lands as a source of Federal Revenue, and continuing their sale with a view to that object. But that debt is now nearly extinguished; and the argument in favor of deriving federal revenue from this source, has consequently lost its force and foundation, since these lands are released from the pledge under which they were placed, every consideration, therefore, of justice to the states in which they lie, their sovereignty and independence, their peace and prosperity, every consideration, indeed, connected with the settlement of the public lands, their cultivation and improvement, requires that a new and liberal system for the extinction of the federal title, should be immediately adopted. An immediate cession to the States in which the public Lands lie, on terms just to the other States, without however encumbering the new States with an onerous debt and consuming interest, might be the preferable plan; but it is evident that such a plan will be difficult of adoption on account of the erroneous and exaggerated ideas of value which politicians in the remote States place on these western lands. A further and perhaps for the present, the most practicable and advisable plan, would be a reduction of

their price—an adaptation of the price to the quality, and settlement, rights and donations to cultivators.

In the various propositions for the reduction of the revenue at the last session of Congress, the item of the public lands were not overlooked, and repeated attempts were made to obtain a reduction upon this object of revenue. These efforts, however commendable, failed of success; and it is believed, that the failure was owing entirely to a new plan of operations of the most unjust and oppressive character, adopted on this subject by those opposed to a reduction of the price of the public lands and of the Tariff. The bill reported by the committee on manufactures in the Senate of the United States, and which passed that body contained this plan; and should it ever be carried into effect, the new States must long suffer under the exactions and oppressions which will inevitably flow from it. The principles of this new plan are, that the money derived from the sales should be divided among all the States in proportion to their representation, with a small increase of per centum to the new States, and that the price, sales and surveys, should be continued as at present, to be regulated, by the will of Congress. The power of legislation over the lands, being thus left in the hands of those who were to divide among themselves the money, which they could make out of them, the inevitable consequence would be the keeping up of the price, and the lands so managed as to afford the largest sum for distribution, without regard to the welfare of the states in which the Lands are situate, such undoubtedly would be the effect; and such indeed was the consequence at the last session of Congress; for every proposition then made to reduce the price and do justice to meritorious settlers by granting them pre-emptions and donations, failed, and notoriously failed through the instrumentality of those who are in favor of distributing the proceeds. A plan like this, the very principle of which is destructive and fatal to the new States needs no aggravation from unjust details and constitutional objections, to entitle it to universal condemnation. But the bill was

obnoxious in its details and repugnant to the Constitution. By these details, the State of Missouri would have received but two shares, while the State of New York would have received forty shares, Pennsylvania twenty eight and so on. The proceeds of the lands were likewise subject to be taken and applied to the colonization of free Negroes in Africa or elsewhere, an enterprise for which the Constitution of the United States makes no provisions, and which is wholly incompatible with a fair construction of that instrument.

Although the bill under consideration was postponed in the House of Representatives, at the last session of Congress, it may yet be considered in progress; and we cannot tell, should it pass into a law, what shape it may assume. Should it take that of a direct grant of the land itself, its authors should remember that although the new states have recognized the right of the government of the United States to hold certain lands within their limits, they have not extended that right to any other government. Nor should it be forgotten, that the question might, and no doubt would, arise, whether one state of the confederacy can hold lands within the limits of another, unless endowed with the capacity to do so, by the municipal law of the state where lands lie. For ourselves, it will behoove us to consider what will become of the balance of power between the states, when some of them are parcelled out as provinces, and distributed among the rest. The proprietor of the soil will be found to be the master of the people, and the authority of the state of Missouri, within her own limits, should this system be adopted, a cypher in comparison with that of the other states. Instead of granting lands in fee simple, as is usual, what would hinder these new land-lords from granting in future none but lease-hold estates, and thus render our citizens perpetually tributary to distant master. Should the attempt be made to evade this objection by enacting that the proceeds of the sales be distributed among the states, it would be equally a violation and perversion of the grant.—For it never could have been the intention of the compact, by which the new

states bound themselves not to interfere with the primary disposal of lands held by the United States within their respective limits, that those lands should be held in trust for political societies, whose interest it is to keep them unsettled, or, if disposed of, to have them sold at the most exorbitant prices. It should not be overlooked, that this measure was introduced at a moment when there was abundant evidence before Congress, that the states most deeply interested in the subject, were earnestly and most anxiously looking for a reduction of the price of the public lands, when they were fondly anticipating such further legislation in favour of actual settlers, as would not only encourage and promote the improvement of the country, but develop the abounding resources of regions heretofore unproductive. It was at this moment of solicitude and deep felt interest on behalf of the new states that this measure, so destructive to their best interests, was proposed, and which, if successful, must forever close the door of hope against them, and blast the prospect of a compliance with their wishes and just claims, in relation to the disposition of the public lands. It is, therefore, most earnestly hoped, that the contemplated bill will not be permitted to become a law without a strenuous effort to prevent it—without a solemn protest on behalf of the state, against its manifest impolicy and injustice. The only policy which comports with justice, and is best calculated to ensure the lasting prosperity of the new states, is the reduction of the price of those lands that have been in market for a certain number of years, pre-emptions and donations to actual settlers, and finally a cession of the refuse lands to the states in which they lie, for a fair equivalent. If ever a measure of the kind under consideration should become a law, no possible hope can be entertained, that the price of the public land will be afterwards reduced. Can we flatter ourselves with the delusive hope that a law of the kind could be repealed, when the old states have a majority in both houses of Congress, and would be stimulated by self-interest to continue it in force forever? Is it

not far more probable, that they would attempt the raising instead of reducing the price? Experience affords the salutary lesson, that where self-interest is the controlling principle of action, that course which will be the most likely to secure the object in view, will be the one most certainly pursued. Of what comparative value would be the 12½ per cent. offered by the bill to the new states, compared with the manifold losses which they would unquestionably sustain in the high prices they must continue to give for the lands—the withholding of pre-emption rights and donations to actual settlers—in the greater portion of the lands yielding no tax, because doomed to remain vacant by such a law—settlements prevented—emigration checked—and the people impoverished by the continual drain of money? Such a condition of things would certainly be as disastrous in their consequences as singular in the history of governments, having no parallel, save in the conduct of him who sold his birth-right for a mess of pottage.

The importance of the subject to the people of the state has induced me to dwell thus largely upon it. The matter is now in its embryo stage, if permitted to pass by unheeded, silence will be deemed acquiescence, and the fruitful seed of injury and injustice will grow beyond the power of control. To you and the people of the State, I now submit this important subject; and in such hands it is fondly anticipated that that course will be determined upon, which is best calculated to secure us from imposition and aggression.

A subject which engrosses the public mind at this time to a great extent, is the bank of the U. States. It might well be expected, that a subject of so much importance, and fraught with such infinite concern to the present and perhaps all future generations, should engage the earnest consideration of the people. Passing by the constitutional question, whether a corporation of the kind can be created by act of Congress, it seems to me that there are objections to such an institution, in a republican government, both insurmountable and unanswerable. It is a principle, acknowledged by all inherent in the very nature of the government itself,

and engrafted in the constitution, that no exclusive privileges shall be granted to any man or set of men. That both the present charter and the bill passed upon this subject by the last Congress, do grant exclusive privileges cannot be denied. In almost every particular, indeed, such an institution is objectionable in a government like ours.—It is destructive of the sovereignty of the States—subversive of their laws and their policy, as relates to taxation, and aliens acquiring and holding lands—gives to foreigners privileges over citizens—and to those citizens who are stock-holders, privileges inconsistent with that equality of rights which is acknowledged as a fundamental principle, and so peculiarly characterizes our government, as different in this respect from all others, gives to a few, not elected by nor responsible to the people, the immense power of controlling the money concerns of the whole country—takes from Congress the power of legislation in relation to any similar institution, during its charter; nor is it bound to aid or loan to the government, in the event any emergency should compel such a resort. Surrounded as such an institution is with such immense powers, concentrated in the hands of a few, controlled and directed as their will or selfish interests may dictate, it is a matter of no small astonishment that it should ever have been established in a government so cautiously guarded with restrictions and limitations. Money has a powerful and controlling influence over the minds of men; and should fatal experience ever verify the admonition "that all power is resolvable into that of the purse," we shall have cause to repent, when perhaps it may be too late, that an influence, so unjust and selfish, should have misled the public mind, and predominated over the best and plainest principles of the government. Whether a due regard for the constitution and the best interests of the country shall prevail over the arguments of selfishness and cupidity, is yet to be determined.

But, amidst the surrounding circumstances, it is a source of peculiar gratification, that we have in the present chief magistrate of the nation, one whose firmness and virtue,

upon this very subject, have been proven to be above the temptations of the times, and from whom we may expect a similar course of bold and independent conduct. Although aware, that the legislature of the state can have no direct action on the measure spoken of, yet as it is one of such deep and all absorbing interest, still pending before the people, I have deemed it my solemn duty to present the subject to your notice. As a member of the confederacy, it is our privilege, if not duty, to make known our sentiments on a subject so momentous in its character—the decision of which, may have so important a bearing on the future destinies and liberties of this country.

In taking leave of you, and my other fellow-citizens, as the executive of the state, I am urged to express my deep sense of gratitude for the kind liberality that has been extended to me. It will ever be to me a source of pride and consolation, that in the discharge of my official duties, I have so largely shared the confidence of the people of Missouri. In entering upon the important and responsible situation from which I am about to retire, I professed to bring but little with me, save a single devotedness to the principles of the institutions under which we live, and to the best interests of our common country. At all times desirous to discharge the duties of my trust faithfully and honestly; to promote the happiness, and advance the interests, of our country, I can say with confidence, that to the best of my abilities, I have laboured to accomplish these ends. How far I have succeeded, is for my country to judge. I now close what I have to say, with a lively hope that in the performance of the arduous duties devolved upon you, they may be productive of great and lasting benefits, and beg leave to offer to yourselves individually, and to the people of the state, my most ardent and sincere wishes for the greatest share of happiness and prosperity.

JOHN MILLER.

CITY OF JEFFERSON, NOV. 20TH, 1832.

VETO MESSAGES

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 28, 1826

From the Journal of the House of Representatives, p. 128

EXECUTIVE OFFICE, CITY OF JEFFERSON, December 28, 1826.

The Hon. the House of Representatives:

The joint committee on enrolled bills have laid before me for my approval and signature a memorial to the Senate and House of Representatives of the United States in Congress assembled, requesting that a law be passed giving to Samuel Massey and Thomas James the right of pre-emption at the present minimum price to a large tract of land in this state, for the purpose of erecting works for the manufactory of iron. I have bestowed on the subject of this memorial my most serious consideration; anxious as I am for the encouragement of such works, and well convinced as all must be, that their utility and importance would be extensively felt by the people of this state, still I cannot assent to a recognition of some of the principles expressed and implied by this memorial, situated as those lands now are, I am decidedly in favor of the pre-emption right being granted as asked for by Messrs. Massey and James; but the memorial tacitly admits and sanctions the propriety of continuing the reservations of such lands, believing it important to the best interests of the people of this state, that no such reservation should be made or continued, and considering it essential to our prosperity and independence as a sovereign state, that every facility should be afforded for the promotion of the sales of all the public lands within our limits. I am reluctantly compelled to return this memorial to the house of representatives with these objections. I do so with less hesitation when I reflect, that if a proper majority of each house shall deem it expedient, they have the Constitutional right to pass it.

JOHN MILLER.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 12, 1829

From the Journal of the House of Representatives, pp. 161-162

To the House of Representatives:

I have examined, and duly considered the bill presented to me for my approval, entitled an act for the relief of Ephraim Allison, and feel myself constrained to return the same, with my objections thereto, to the House of Representatives, in which that bill originated.

The bill provides for the relief of Allison in a two-fold manner—First, by permitting him to occupy and cultivate a fractional section of the school lands, within the county of Cooper, without requiring him to pay any thing therefor, or to render any service which could contribute to the school fund of the township; and, secondly, by discharging said Allison from all obligation which he may be under as lessee of said premises, with the consent of two-thirds of the house-holders of the fractional township in which such fractional section is situated.

I am clearly of opinion, that the passage of this bill would violate our constitution, and be repugnant to the contract entered into by the people of this State, in relation to the sixteenth sections, or lands taken in lieu thereof. By the first section of the sixth article of the constitution we find that "schools and the means of education shall be forever encouraged in this State, and the General Assembly shall take measures to preserve from waste or damage, such school lands as have been, or may hereafter be granted by the United States for the use of schools, within each township in this State; and shall apply the funds which may arise from such lands, in strict conformity to the object of the grant." Here we see that not only schools, but the means of education are to be encouraged. But this bill, instead of encouraging the means of education—instead of appropriating the land or the funds arising therefrom, in strict conformity to the object of the grant, viz: to the use of

schools within the townships, proposes to lease the section for four years without any valuable consideration; and, furthermore, to release Allison from obligations heretofore entered into; and from which funds should accrue for the use of the inhabitants of the township, for the use of schools. So far, therefore, from contributing, in any wise, to the school fund of that township, this bill seems to have for its sole object, the relief, benefit and advantage of Mr. Allison, to the obvious detriment of that fund. I am satisfied, therefore, that the provisions of this bill conflict with our own constitution in this respect, and are inconsistent with the true intent, object and meaning of the grant.

The act of Congress of the 6th of March, 1820, provides, that "sections numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State, for the use of the inhabitants of such township, for the use of schools;" and the ordinance of the convention assents thereto, and makes this provision obligatory on the State, as a compact. Commissioners have been appointed in every county, who have the care and management of the school lands, and have power to lease the same. From the terms of the bill in question, it appears that Allison has leased the land, and now stands bound to the commissioners, for the use of the inhabitants of the township, for the amount of the rent; and the object now is, to release him thereform, with the consent of two-thirds of the house-holders of the township. My opinion is, that the Legislature is incompetent to take from one-third of the inhabitants, the rights and interests which they have in the obligations entered into by the said Allison to the commissioners aforesaid, without their consent. All the inhabitants are interested, and all have vested rights in these lands, and the proceeds arising therefrom. The proceeds are to be appropriated to the use of schools, and to no other purpose; and the Legislature, in my opinion, is incompetent to take away the rights of any one of the inhabitants, without his consent.

Again: the leasing of this fractional section was a contract between Allison on the one part, and the commissioners, for the use of the inhabitants of the township, on the other; and if this bill be passed, this contract would be impaired without the consent of the persons who are beneficially interested. This would be a violation, not only of the constitution of this State, but of the United States likewise. The seventeenth section of our bill of rights provides, that "no law impairing the obligation of contracts, or retrospective in its operation can be passed." If this bill be passed, it would not only impair the obligation of the contract made by the school commissioners with Mr. Allison, but it would have a retrospective operation in making that void, which was heretofore valid and binding: and this too, without the consent of all the parties interested in the contract.

I regret the necessity I am under of withholding my assent to this bill; but if I be mistaken in my views on this subject, the Legislature can pass it without my approval.

JOHN MILLER.

JANUARY 12TH, 1829.

TO THE SENATE

JANUARY 15, 1831

From the Journal of the Senate, pp. 189-191

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 15, 1831.

To the Senate of the State of Missouri:

Gentlemen—I have received the memorial addressed to the Congress of the U. S., on the subject of the northern and western boundary lines of the State, & of adding to the state two small fractions of territory, the one lying on the Missouri, the other on the Mississippi river. After bestowing upon the memorial all the attention and consideration of which I am capable, I feel constrained to return the same to the Senate, where it originated, with my objections thereto.

It is to me, at all times, a source of deep regret to differ with the Legislature on the expediency or propriety of their enactments; and more particularly so, when I most cheerfully acquiesce in most of the leading features of the measure proposed to be adopted.

In the case now under consideration, I am aware of the necessity and importance to the state of having its northern and western boundary lines resurveyed and distinctly marked; and I am deeply solicitous that the fractions of country mentioned and described in the memorial should be annexed to the State.

The memorial assumes as a fact, that the portion of the western boundary line, extending from the mouth of Kanzas river to the northwestern corner of the State has never been surveyed and marked. In this, I am of opinion, the Legislature has labored under a misapprehension. Although there cannot be found on file in the Executive Department a return of the survey, yet I am satisfied of the fact, and think I cannot be mistaken, that the late Col. John C. Sullivan, was appointed for that purpose, and that he did run and mark that portion of our western boundary as well as the northern boundary of the State. A further evidence that the line in question must have been run, is, that the surveys of the public lands are made to close upon THIS LINE in that section of the State, and are made fractional thereby.

Under the belief, then, that this line has once been surveyed and marked, I have thought it to be my duty to return the memorial to the Senate, so as to afford to the Legislature an opportunity of correcting this part of it, if found to be erroneous. That a resurvey of our northern and western boundary lines, (to be distinctly and permanently marked) is called for, and would be of much consequence to the State, there cannot remain a doubt; and I feel an anxious solicitude that it should be effected with as little delay as possible.

In addition to the foregoing objection, it is with regret that I discover in the memorial, certain expressions and

views which seem to denote an opposition to the policy long entertained and pursued by the general government in reference to the removal of the Indian tribes, from the states in which they are at present located, to the territory of the United States, beyond the limits and jurisdiction of the respective states.

It is set forth in the memorial under consideration, that "it has been and now is the policy of the government, to remove the Indians yet remaining in the United States to the country west of the Missouri and Arkansas;" and it is afterwards stated that "if the Indian tribes alone were to suffer by this policy, we should leave them in their misery to the wisdom and humanity of Congress."

Without attempting at this time to discuss the subject at length, I deem it sufficient to remark that I view the people of Missouri, as being deeply interested in the consummation of the policy of the government in removing the Indians from the States in which they are located—there yet being many in the acknowledged limits of this state. I therefore feel unwilling to give my sanction to this seeming opposition to a measure, which I consider highly beneficial, not only to the states in which the Indians are now located but to the Union at large.

As it regards the location of Indians on the frontier of Missouri, so far as my information extends, I am unaware of any since the organization of the state government, with the exceptions of the tribes of the Shawnees and Delawares. These tribes until recently held and occupied large tracts of country within the state. The purchase of their lands by the general government, and the removal of the Indians therefrom, were acts, in my estimation, of the most desirable and praiseworthy character, justly eliciting the approbation of the people of this state.

With these remarks, I respectfully return the memorial under consideration, for the deliberation and action of the Senate.

JOHN MILLER.

SPECIAL MESSAGES

TO THE SENATE

DECEMBER 13, 1826

From the Journal of the Senate, p. 63

EXECUTIVE OFFICE, December 13, 1826.

The Honorable The Senate of the State of Missouri:

I nominate the following persons to be judges of the Probate Court for the respective counties herein, to which I ask the advice and consent of the Senate.

Robert P. Clark, to be judge of the Probate Court for the county of Cooper.

Jabez Warner, to be Judge of Probate for the county of Jefferson.

Samuel P. Harris, for the county of St. Francois.

Bartholomew Gwinn, for the county of Saline.

James H. Audrain, for the county of St. Charles.

Thomas Turner, for the county of New-Madrid.

Thomas Byrne, from the county of Scott.

Henry T. Williams, for the county of Chariton.

To fill vacancies occasioned by resignation and removal.

JOHN MILLER.

TO THE SENATE

DECEMBER 13, 1826

From the Journal of the Senate, p. 64

EXECUTIVE OFFICE, CITY OF JEFFERSON, December 13, 1826.

To the Hon. the Senate of the State of Missouri:

I nominate William C. Carr, to be Judge of the Circuit Court for the third judicial Circuit—and Spencer Pettis to be Secretary of State, to fill vacancies occasioned by resignations; to which I ask the advice and consent of the Senate.

JOHN MILLER.

TO THE SENATE

JANUARY 2, 1827

From the Journal of the Senate, pp. 132-133

EXECUTIVE OFFICE, CITY OF JEFFERSON, January 2, 1827.

I nominate the following gentlemen as Justices of the Peace of the County Court of the respective Counties hereinafter mentioned, to wit:

For the county of Jackson, Abraham McClelland, Richard Fristoe and Henry Burrows.

For the county of La Fayette, John Stapp, Solomon Cox and Julius Emmons.

For the county of Ray, William P. Thompson, Sebron J. Miller and Isaac Allen.

For the county of New-Madrid, Samuel G. Hopkins, Thomas Turner, Robert G. Watson.

For the county of Pike, William Stephenson, Benjamin Todd, James Martin.

For the county of Gasconade, William Bumpess, Asa Pinnell, David Hoop.

For the county of Marion, Edward White, Theodore Jones, William Richey.

For the county of Ralls, Aaron Foreman, Andrew Rogers, Zachariah G. Draper.

For the county of St. Charles, James H. Audrain, Micajah McClenney, Daniel Griffith.

For the county of Ste. Genevieve, Joseph Bogy, William James, Jas. Madden.

For the county of Saline, Silvester Hall, Joseph Huston, Meridith M. Marmaduke.

For the county of Cole, James Dunnica, James Stark, Daniel McKinsey.

For the county of Perry, Frederick C. Hase, Jeremiah Abernathy, and James C. Moore.

For the county of Callaway, John Conger, Samuel T. Moore, Jas. McKinney.

For the county of Lincoln, Gabriel P. Nash, James Duncan, John Lindsey.

For the county of Montgomery, Isaac Clark, George Bass, Morgan Bryant.

For the county of St. Francois, Davis F. Marks, John Boyce, Samuel P. Harris.

For the County of Howard, Uriel Sebree, Richard W. Cummins, Robert Wilson.

For the county of Jefferson, Jabez Warner, George Hammond, Benjamin Johnston.

For the county of Wayne, Richard D. Cowen, David Logan, sen, Ranson Bettis.

For the county of Madison, Caleb Cox, George Weir, Elijah O'Bannon.

For the county of Chariton, John M. Bell, James Head, Terry Bradley.

For the county of St. Louis, Mary P. Leduc, John C. Sullivan, Hartley Langham.

For the county of Clay, Joel Turnham, Samuel Tillery, Elisha Cameron.

For the county of Boone, Young E. Hicks, Joseph Marshall, Priestly H. McBride.

For the county of Cooper, Joseph Byler, Marcus Williams, John Briscoe.

For the county of Scott, Thomas Byrne, John Moore, Thomas Fletcher.

For the county of Franklin, Henry Brown, Jesse McDonald, Epraim B. Strickland.

For the county of Washington, Alexander Starbuck, John Brickey, John Dunklin.

For the county of Cape Girardeau, Frank G. Allen, George Henderson, Caleb P. Fullenwider, to which I request the advice and consent of the Senate.

JOHN MILLER.

TO THE SENATE

NOVEMBER 27, 1828

From the Journal of the Senate, p. 33

EXECUTIVE DEPARTMENT, November 27, 1828.

The Honorable the Senate of the State of Missouri:

I have the honor respectfully to nominate the following gentlemen to be appointed Justices of the County Courts, and request the advice and consent of the Senate thereto, viz:

For the County of Saline, Peyton McNewlin, Asa Finly, Bartlett Gwinn. For the county of Cole, Lisbon Applegate. For the county of Howard, George Stapleton, Jonathan Crawley. For the county of Boone, James W. Moss, William Lintz. For the county of Montgomery, Absalem Hays, Hugh A. Skinner, Thomas N. Graves. For the county of St. Charles, William G. Pettus. For the county of Lincoln, Henry Watts, Joseph H. Allen. For the county of St. Louis, Frederick Hyatt. For the county of Jefferson, Joseph Evans. For the county of Washington, Robert M. Stephenson, Alexander Starbuck. For the county of Madison, Isham Harrison. For the county of Perry, Walker Wilkerson, John Logan, Joab Waters. For the county of Cape Girardeau, John Herrell. For the county of Wayne, John Asherst, Ezekiel Rubottom, Adam Johnson. For the county of Clay, Joel Lurnham. For the county of Scott, Abram Hunter. For the county of Marion, John Longmin, Elijah Stapp, James F. Mahon. For the county of Ralls, Walter Caldwell, Richard Boyce, John Chitwood.

These gentlemen were appointed in the recess of the Legislature, to fill vacancies which occurred in the County Courts of the several counties. Very respectfully, your ob't. serv't.

JOHN MILLER.

TO THE SENATE

DECEMBER 2, 1828

From the Journal of the Senate, p. 42

To the Senate of the State of Missouri:

In answer to the resolution of the Senate received on the 29th ult. requesting me to communicate such information as I may possess, relative to the application to the Congress of the United States, by resolution of the General Assembly at their last session, on the subject of the three per cent fund arising from the sale of the public lands within this State—I have the honor to state that I do not possess any information of Congress having acted on the subject in conformity to the wishes of the Legislature, as expressed in the resolution referred to. The laws of the United States passed subsequently to the resolution, have been carefully examined, and I find no law or resolution on the subject mentioned, contained therein. JOHN MILLER.

DECEMBER 2, 1828.

TO THE SENATE

DECEMBER 5, 1828

From the Journal of the Senate, p. 49

To the Senate of the State of Missouri:

I nominate the following gentlemen to be appointed to the offices respectively mentioned to wit:

Robert W. Wells, to be appointed, Attorney General of the State of Missouri.

Enoch Evans, to be a justice of the county court for the county of Scott.

George Taylor, to be a justice of the county court for the county of St. Francois. To which I request the advice and consent of the Senate. JOHN MILLER.

DECEMBER 5, 1828.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 1828

From the Journal of the Senate, pp. 64-65

To the Senate and House of Representatives of the State of Missouri:

Herewith communicated, is a list of the lands selected under the act of Congress of the 24th January, 1827, for the support of seminaries of learning within this State. The selection has been approved by the Government of the United States, as will be seen by the endorsement of the Secretary of the Treasury, and a copy of a letter from the Commissioner of the General Land Office, appended to the report here submitted.

The quantity of land selected falls short of 72 entire sections by 559 acres. It was my intention to have adverted to this fact in my communications to the Legislature on the 18th ult. but at the time I closed that communication, it escaped my recollection.

Unless the Legislature should otherwise direct, the fractional section yet due the State, will be selected and reported to the Government of the United States, as soon as I can procure the necessary information to enable me to make the best selections. JOHN MILLER.

DECEMBER 11TH, 1828.

TO THE SENATE

DECEMBER 16, 1828

From the Journal of the Senate, p. 87

To the Senate of the State of Missouri:

I nominate Elias Barcroft to be Auditor of Public Accounts, and request the advice and consent of the Senate thereto. JOHN MILLER.

DECEMBER 16TH, 1828.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

DECEMBER 23, 1828

From the Journal of the House of Representatives, pp. 107-108

To the Senate and the House of Representatives of the State of Missouri:

I communicate to the two houses, copies of a joint resolution of the Legislature of the State of New York, which shews the friendly light in which the Legislature of that great and enlightened State has viewed and reciprocated the presentation by this State of a map of the State of Missouri, Illinois and Territory of Arkansas.

I avail myself of this occasion to state to the Legislature that the provisions of the Law which required the Executive to subscribe for twenty-eight copies of Brown & Barcroft's map of the States of Missouri, Illinois and Territory of Arkansas, and to transmit two of said maps on behalf of this State to the President of the United States, and one to the executives of each of the States respectively, have been complied with as far as has been in my power. A contract was entered into with one of the publishers of these maps, to furnish from Philadelphia and Saint Louis to each of these authorities, the maps to which they are respectively entitled, and I have caused them to be severally advised that they would be accordingly furnished, but am not yet informed of their having been received, except in a few instances.

A map of the territory of Michigan has been received from the Executive of that territory; but as the law of this State does not authorize the Executive to furnish the Executives of territories with a copy of the map in question, I have not felt myself at liberty to do so, but would respectfully suggest to the Legislature, the propriety of authorizing the territories, each, to be furnished with a copy of said map, at the expense of this State.

I also communicate a copy of the annual returns for the

year 1828, from the Adjutant General, which ought to exhibit the actual military strength of the State; but owing to the neglect of those whose duty it is by law, to make returns to him of the strength of their respective commands—he has only been enabled to exhibit a return of 2802, instead of from 18 to 20 thousand men, the estimated strength of the militia of this State. It, therefore, results, that by this neglect, the State, instead of drawing her quota of arms from the United States for twenty thousand men, receives only her proportion for two thousand eight hundred and two.

JOHN MILLER.

CITY OF JEFFERSON, DECEMBER 23, 1828.

TO THE SENATE

DECEMBER 31, 1828

From the Journal of the Senate, p. 122

To the Senate of the State of Missouri:

I nominate Priestly H. McBride to be Secretary of State; Lewis F. Linn to be a justice of the county court for the county of Ste. Genevieve, and James McClelland to be justice of the county court of Boone—to fill vacancies occasioned by resignations. To which nominations I request the advice and consent of the Senate.

JOHN MILLER.

DECEMBER 31, 1828.

TO THE SENATE

JANUARY 7, 1829

From the Journal of the Senate, p. 148

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 7, 1829

To the Senate of the State of Missouri:

I nominate Nicholas S. Buckhart as a justice of the county court of Howard county, in the room of the Uriel Sebree, resigned. To which, I ask the advice and consent of the Senate. JOHN MILLER.

TO THE SENATE

JANUARY 21, 1829

From the Journal of the Senate, p. 194

The Hon. the Senate of the State of Missouri:

I nominate Henry Keil, to be a judge of the county court of Ste. Genevieve county; to which, I request the advice and consent of the Senate. JOHN MILLER.

JANUARY 21ST, 1829.

TO THE SENATE

JANUARY 23, 1829

From the Journal of the Senate, p. 211

The Hon. the Senate of the State of Missouri:

I nominate the following gentlemen as justices of county courts; to wit:

William Fort, Joseph M. Baker, and James Head, of the county of Randolph; and John Duncan, William Montgomery and Barney Low, for the county of Crawford, to which I ask the advice and consent of the Senate.

JOHN MILLER.

JANUARY 23D, 1829.

TO THE SENATE

NOVEMBER 20, 1830

From the Journal of Executive Business in Senate Journal, p. 227

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 20, 1830.

The Honorable, the Senate of the State of Missouri:

I nominate Priestly H. McBride, as Judge of the second Judicial Circuit of this state, in the place of N. B. Tucker, Esq. resigned, and request the advice and consent of your body to his appointment. JOHN MILLER.

TO THE SENATE

NOVEMBER 22, 1830

From the Journal of the Senate, pp. 5-36

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 22, 1830.

To the Senate of the State of Missouri:

In answer to a resolution of the senate of the 19th inst., requesting the information tending to shew the number and names of the Indian Tribes remaining within our limits; what positions they occupy; how much land they respectively claim; whether they claim the same by aboriginal possession or by treaty with the United States; and whether any means are now in progress on the part of the Federal Government to remove such Indians beyond the limits of the State, I will remark, that since my last communication to the Legislature, I have been informed by an officer of the Indian Department, that he was under the impression that, during the last session of Congress, a treaty or convention was ratified between the United States and the Delaware (and perhaps, the Shawnee) tribe of Indians, by which they ceded to the United States, all the lands which they held previously within the limits of this State, for a tract of country lying west of the Kansas and south of the Missouri River. If this be so, the fact of my not having arrived at a knowledge of it earlier is attributable to the circumstance of the acts of the last session of Congress, which are supposed to contain this convention, not having yet been received at this Department.

It is believed that the Kickapoo Indians still retain and occupy the grant made to them by the United States, within the limits of this State. The treaty making this grant, appears to have been concluded at St. Louis, on the 19th day of July 1820, and will be found appended to the acts of the second session of the sixteenth Congress, page 87.

This grant is believed to be correctly laid down on Brown and Barcroft's map of the State of Missouri and Illinois and of the Territory of Arkansas, to which I beg leave to refer the Senate for a more particular description of its locality limits and extent.

On being apprised of the late treaty with the Delaware Indians, for an exchange of the lands which they held within the limits of this State for lands west of us, I immediately applied to a source from which I expect to derive correct and speedy information of the actual situation of the Delaware, Shawnee and Kickapoo grants.

As soon as this information is received, it shall be communicated to the senate. JOHN MILLER.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

NOVEMBER 25, 1830

From the Journal of the Senate, p. 41

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 25, 1830.

To the Senate and House of Representatives of the State of Missouri:

By a resolution passed at the last session of the general Assembly, annexed to the amendments which were proposed to the constitution of this state, it was provided that the governor of this state cause the foregoing proposed amendments to the constitution, to be published in all the newspapers in this state, three several times, at least twelve months before the next general election.

Early in April, 1829, the secretary of state was instructed to make out and transmit to the editor of each newspaper published in this state, authenticated copies of the proposed amendments, with the request that they publish the same in their respective papers, for the length of time required by the resolution which directed their publication, and that he file in his office the necessary evidence that

such publications were accordingly so made. It is believed that these duties have been performed agreeably to the terms required by the resolution, and that the evidences of publication are now on file in the office of the secretary of State.

Soon after the decease of Peter Bass, who had been appointed by law commissioner of the city of Jefferson, I appointed Archibald Kavanaugh, of Cooper County, to file the vacancy occasioned thereby. Mr. Kavanaugh accepted the appointment, and continued to act until June last, when he resigned. Since which, I appointed Thomas W. Conyers, of Boone county, to fill the vacant situation, and who is at this time acting as the commissioner of the city of Jefferson.

I have thought it my duty to make this communication on the foregoing subjects, to enable you to act in regard to them as may seem to you most advisable and proper.

JOHN MILLER.

TO THE SENATE

NOVEMBER 29, 1830

From the Journal of the Senate, pp. 45-46

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 29, 1830.

To the Senate of the State of Missouri:

Since my communication of the 22d, in reply to a resolution of the Senate of the 19th inst. in relation to the Indians residing within the limits of this State, the lands they occupy, &c. I have received from the superintendent of Indian Affairs at St. Louis, a communication on that subject. From this it appears that the Shawnee Indians have had lands assigned them by the government of the United States on the Kansas river, beyond our Western boundary, in lieu of those they formerly occupied within the limits of this State. This exchange appears to have been made by a treaty concluded at St. Louis, on the 7th day

of November 1825, but notwithstanding the length of time which has elapsed, it appears that the greater portion of the tribe still remain on the waters of the White River, within our jurisdiction.

From the same source I learn that an agreement has been entered into the date of which is not given between the 'late agent' and the Delaware Indians, for an exchange of the lands formerly granted to those Indians within this State, for lands above the Kanzas River. It appears, however, that this agreement was but partially ratified by the Senate of the United States, during the last session of Congress. Herewith is communicated an extract of a letter from the Secretary of War of the 28th September last, to the Superintendent of Indian Affairs at St. Louis; and a copy of a letter from General Clark to me, dated the 19th inst. These several communications will place the Senate in possession of all the recent information which I have on those subjects.

The Kickapoo Indians still continue to hold and occupy the lands granted to them by the United States, on the Osage River within the acknowledged limits of this State. For reference to the Treaty of cession by which those Indians acquired this grant of land, and for its locality and extent the attention of the Senate is so solicited to my communication of the 22d inst.

I have been recently informed that settlements to a considerable extent are forming on the lands lately held by the Shawnee Indians, and perhaps also, on those of the Delawares. This consideration, taken in connexion with the fact that those Indians, continue to loiter in and occupy the country which it appears they have ceded to the United States, furnish strong, and to my mind the most urgent reasons in favor of extending the jurisdiction and laws of the State, over that portion of its inhabitants and territory. Nor can I think the necessity less imperious for extending them over the lands held and occupied by the Kickapoo Indians.

JOHN MILLER.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 1830

From the Journal of the House of Representatives, p. 71

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 3, 1830.

To the House of Representatives of the State of Missouri:

In compliance with a resolution of the House of Representatives of the 27th ult (received on the 1st inst) requesting information as to the number of vacancies which has happened in the county courts since the last session of the Legislature, I transmit herewith a letter from the Secretary of State containing the information desired by the resolution.

JOHN MILLER.

TO THE SENATE

DECEMBER 8, 1830

From the Journal of Executive Business in Senate Journal, p. 228

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 8, 1830.

To the Hon. the Senate of the State of Missouri:

I nominate John C. Edwards, as Secretary of State, in the place of Priestly H. McBride, resigned, and request your advice and consent to his appointment.

JOHN MILLER.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 1830

From the Journal of the House of Representatives, p. 129

CITY OF JEFFERSON, December 17, 1830.

To the House of Representatives of the State of Missouri:

I herewith communicate to the house of representatives a petition signed by a number of officers of the militia of this

state, in which they solicit compensation for services alleged to have been rendered as members of a court martial which appears to have assembled at Fayette on the 25th day of January, 1830. Having received but one copy of the petition, I have to request that the house of representatives will be pleased to communicate it to the senate at as early a period as may be convenient.

JOHN MILLER.

TO THE SENATE

DECEMBER 24, 1830

From the Journal of Executive Business in Senate Journal, p. 231

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 24, 1830.

To the Honorable, the Senate of the State of Missouri:

The following named persons having been commissioned to fill vacancies, since the last session of the General Assembly, I now nominate them to be justices of the county courts, to which their names are respectively annexed, and request your advice and consent to their appointment.

James S. V. Thompson, to be a Justice of the county court of Clay County.

Samuel Western, to be a Justice of the County Court of Jackson County.

Meredith M. Marmaduke, to be a Justice of the county court of Saline county.

Rice Hughes and Robert Hood, to be Justices of the County Court of Cooper county.

Michael Lewellyn and Hiram Craig, to be Justices of the County Court of Chariton county.

Blanderman Smith and John Viley, to be Justices of the County Court of Randolph county.

William Scott, to be a justice of the County Court of Cole County.

Peter G. Glover, to be a Justice of the County Court of Callaway County.

John P. Morris and Henry Lewis, to be Justices of the county Court of Howard County.

Morgan Bryant and Sylvester Baker, to be Justices of the County Court of Montgomery County.

John Wells, to be a Justice of the County Court of St. Charles county.

Charles Wheeler and Caleb McFarland, to be justices of the county Court of Lincoln county.

Anthony Margrave, to be a Justice of the County Court of Gasconade County.

William Bell, to be a Justice of the County Court of Crawford county.

John W. Denniston and Hugh P. C. Lucas, to be Justices of the County Court of Jefferson county.

James M. White, to be a Justice of the County Court of Washington County.

John Shirrill, to be a Justice of the County Court of St. Francois county.

JOHN MILLER.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 4, 1831

From the Journal of the Senate, p. 144

CITY OF JEFFERSON, January 4, 1831.

To the Senate and House of Representatives of the State of Missouri:

I herewith communicate a report and resolutions, adopted by the Legislature of the State of Mississippi, relative to the right of that State to the unappropriated lands within her limits: And, likewise, a memorial to the Congress of the United States, in behalf of certain officers and soldiers of the revolutionary army. These documents have been recently received. The first named, is communicated at the request of the Governor of the State of

Mississippi—the latter at the request of sundry gentlemen of the states of New York and New Jersey, on behalf of the memorialists. The importance of the subject embraced in these communications, will no doubt command the deliberate attention and consideration of the Legislature. As but one copy of these papers has been received, I transmit it to the Senate, with the request that they be pleased to communicate the same to the House of Representatives, at as early a period as the convenience of the Senate may justify.

By a law passed at the last session of the General Assembly, it was made the duty of the several Circuit Attorneys in this state, to take charge of the concerns of the Loan Offices in their respective circuits and to select and close the business appertaining to the same as soon thereafter as possible, for which services they were entitled to receive at the rate of seventy-five dollars per annum during their continuance in office. In the first Judicial Circuit, there were two of these offices established. In each of the other circuits, there was but one. Owing to this inequality in the business to be performed, and the compensation allowed therefor, the Attorney General spoke of declining to undertake the settlement of the accounts of those in the first Judicial Circuit. I requested that he would proceed with the settlement, and stated that I would represent the case to the Legislature at the next session. I now take the liberty of doing so, and submit to your consideration, whether a further allowance ought not to be made, in consequence of the additional labour performed, closing the concerns of the two Loan Offices, in the said first Judicial circuit.

JOHN MILLER.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 10, 1831

From the Journal of the House of Representatives, pp. 213-214

CITY OF JEFFERSON, January 10, 1831.

To the House of Representatives of the State of Missouri:

The resolution of the House of Representatives passed on the 27th ultimo. requesting a statement from the executive shewing the strength of the Militia of this state for the year 1828, 1829 and 1830 per the returns made, was not received, until the 7th Instant. In answer to that resolution I have to state that from the returns of the adjutant General made for those years it appears that for the year 1828 there were but 2802 militia reported to him by the various militia officers of the State whose duty it is made by law to report to that officer—For the year 1829 there were 3200 returned and for the year 1830 the number reported, appears to have been 8066.

JOHN MILLER.

TO THE SENATE

JANUARY 12, 1831

From the Journal of Executive Business in Senate Journal, pp. 232-233

CITY OF JEFFERSON, January 12, 1831.

To the Honorable, the Senate of the State of Missouri:

I nominate the following named persons to be justices of the County Court for the several counties to which their names are respectively annexed, and request your advice and consent to their appointment.

James Duncan, to be a Justice of the County Court of Clay county, in the place of Samuel Tillery, resigned.

David R. Drake, to be a Justice of the County Court of Howard County, in the place of Owen Rawlins, resigned.

Matthew Caldwell, to be Justice of the County Court of Franklin County, in the place of Ephraim B. Strackland, resigned.

Andrew Goforth, to be a Justice of the County Court of Washington County, in the place of A. J. Bruce, resigned.

John B. Bossier, to be a Justice of the County Court of Ste. Genevieve county, in the place of J. Sergeant, resigned.

Moses J. Harris, to be a Justice of the County Court of Perry county, in the place of John Logan, resigned.

Moses Cox, to be a Justice of the County Court of Madison county, in the place of Isham Harrison, resigned.

Samuel B. McNight, to be a Justice of the County Court of Cape Girardeau county, in the place of John Horrell, deceased.

John Moore, to be a Justice of the County court of Scott county, in the place of Abraham Hunter resigned.

John Parish to be a justice of the county court of Wayne county, in the place of Edward H. Bennett, resigned.

Henry Wilcox, to be a justice of the county court of Marison county, in the place of Elijah Stapp, resigned.

Andrew Rogers, John Curry and Wm. P. Stevenson, to be justice of the county court of Monroe county.

JOHN MILLER.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1831

From the Journal of the Senate, p. 199

CITY OF JEFFERSON, January 14, 1831.

To the Senate and House of Representatives of the State of Missouri:

Through the politeness of General Jones, Marshal for the District of Missouri, I am enabled to communicate to

the Legislature an abstract of the Census of this State, as taken during the past year, under the authority of the United States.

I communicate this document to the House of Representatives, with the request that it be communicated to the Senate at as early a period as may be convenient.

As the abstract is of consequence to General Jones, I have to make the further request, that the Legislature will be pleased to cause it to be returned to that gentleman, as soon as they may have finished their examination.

It is believed that this abstract exhibits a return of the Census of all the Counties in this State, with the exception of Ray. The population of Ray, I am informed, is about 2860, which, when added to the number reported in the abstract, will shew the aggregate population of Missouri to have been 141,375, on the first day of June last.

JOHN MILLER.

TO THE SENATE

JANUARY 14, 1831

From the Journal of Executive Business in Senate Journal, p. 233

CITY OF JEFFERSON, January 14, 1831.

To the Honorable, the Senate of the State of Missouri:

I withdraw the nomination of John Parish, as made on the 12th inst. (there having been a mistake in the name,) to be a justice of the county court of Wayne county, and nominate John Parrace therefor.

JOHN MILLER.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1831

From the Journal of the Senate, pp. 209-210

CITY OF JEFFERSON, January 15, 1831.

To the Senate and House of Representatives of the State of Missouri:

I have seen published in the St. Louis Republican of the eleventh instant, a memorial to the Congress of the United States, purporting to have been adopted by the Legislature of the State of Illinois, on the subject of the location of the Cumberland Road from Vandalia in the State of Illinois, to the seat of government in this State. In this memorial it is set forth and urged upon Congress, that said road be located and established by the way of Alton on the East bank of the Mississippi River, in the State of Illinois; thence to the seat of Government in the State of Missouri. Believing this document to be authentic, although not officially communicated to me, I have deemed it of sufficient consequence to communicate it to the Legislature, that such steps may be taken to countervail the effects, as the Legislature may deem most advisable.

In the ultimate location of this Road, I view as being of the first importance to the best interests of Missouri, as well in a commercial point of view as in other respects, that St. Louis should be taken in the route and established as one of its permanent points, from which it should not be removed under any circumstances. Enclosed herewith is the memorial under consideration.

I likewise communicate herewith the account of William Thomas Carroll, Esqr., Clerk of the Supreme Court of the United States, against the State of Missouri, for his fees as Clerk of said Court, accruing on the cases of Hiram Craig and others against the State of Missouri, which cases were taken up, from the Supreme Court of the State of

Missouri, to the Supreme Court of the United States, by writs of error and as appears from said accounts, were decided at the January term of said Court in the year 1830. The decisions of the Court in these cases have not been certified to me: The enclosed paper is the one I have received on the subject: It is communicated to the Legislature that such disposition may be made in regard to it, as to you may seem most expedient and proper.

After the Indians, who committed the outrages in Randolph County, in 1829, had been apprehended, it was doubted by the Superintendent of Indian Affairs at St. Louis, whether the attack was made within the limits of this State. With the view of ascertaining this fact, General Hughes, was deputed by General Clark, and P. H. McBride, then Secretary of State, by himself, with instructions to ascertain by actual survey, whether the ground on which the conflict took place was actually within the limits of the State. The service was accordingly performed.

Judge McBride was absent on this duty from the 22nd October to the 9th of November inclusive. He incurred considerable expense in making the necessary preparations and outfit, horse hire, &c., &c. No compensation was promised him at the time, but he was informed by me that I would submit the case to the Legislature. I now take the liberty of doing so, and recommend to your favorable consideration the propriety of making such compensation for the services performed and the expenses incurred as may be considered equitable.

JOHN MILLER.

TO THE SENATE

JANUARY 17, 1831

From the Journal of Executive Business in Senate Journal, p. 233

CITY OF JEFFERSON, January 17, 1831.

I nominate John F. Ryland, to be Judge of the fifth Judicial circuit of this state, and request your advice and consent to his appointment.

JOHN MILLER.

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 1832

From the Journal of the House of Representatives, p. 26

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 20, 1832.

Sir—Herewith enclosed, I transmit to the House of Representatives copies of the statements, made to me of the reported interference in the sale of the Seminary lands in the western land district.

JOHN MILLER.

HON. SPEAKER OF THE H. R.

PROCLAMATIONS

OFFERING A REWARD

AUGUST 25, 1828

From the Missouri Republican, St. Louis, Sept. 16, 1828

WHEREAS, it has been certified by the Sheriff of the county of Madison, that COONROD COTNER, who was convicted of manslaughter, and sentenced to pay a fine of five hundred dollars, and be imprisoned twelve months, did, on the fifteenth day of July last, break prison and secrete himself:

NOW THEREFORE, I, JOHN MILLER, Governor of the State of Missouri, have judged it necessary, and do by virtue of the authority in me vested, hereby offer a *Reward of One Hundred Dollars*, to any person who will apprehend the said COONROD COTNER, and deliver him into the custody of the Sheriff of the said county of Madison.

The said Sheriff has also certified the following description of the prisoner:—"Said COTNER, is about 27 or 28 years of age, 5 feet 9 or 10 inches high, rather heavy built, dark eyes and black hair, somewhat of a long sharp nose, a down look when spoken to. His clothing when he broke jail, was of the common country make. He is a German and speaks broken English."

I do furthermore enjoin all good citizens of the State to aid in the apprehension of the said COTNER.

In Testimony Whereof, I have hereunto set my hand, and caused the Great Seal of the State (L. S.) to be affixed. Done at Jefferson City, this 25th day of August, 1828, and of the year of the State the ninth.

JOHN MILLER.

By the Governor,

SPENCER PETTIS, Secretary of State.

Aug. 30, 1828.

FIXING DATE FOR AN ELECTION

SEPTEMBER 17, 1831

From the Missouri Intelligencer, Columbia, Sept. 17, 1831

To the several Sheriffs of said State—Greeting:

KNOW YE that WHEREAS a vacancy has occurred in the representation from this State, in the Congress of the United States, by reason of the recent death of SPENCER PETTIS, Esq., the Representative elect:—NOW, THEREFORE, by virtue of authority in me vested by the 4th clause of the 2d section of the 1st article of the Constitution of the United States, which provides that "when vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancy," I do hereby require and command you, the said Sheriffs, to cause an election to be held in your respective counties on MONDAY the 31st day of OCTOBER, 1831, for the purpose of electing a Representative from this State to the 22d Congress of the United States, to supply the vacancy aforesaid, giving not less than twenty days notice of the time and places of holding said election, in the manner prescribed by law. The said election shall be held at the several places in each and every county designated for holding general elections.

All officers whose duty it is made by law to superintend the holding of elections, of receiving, making out and transmitting official abstracts or certificates thereof, to the proper authorities, are hereby required and enjoined, in making out and transmitting their respective abstracts, certificates, &c. (of the election herein required to be holden) to be strictly governed by the law of the State regulating special elections.—Herein fail not.

In Testimony Whereof, I have hereunto set my hand, and caused the Great Seal of the State to be affixed, at the City of Jefferson, the 9th day

(SEAL) of September, in the year of our Lord one thousand eight hundred and thirty-one, of the Independence of the United States the fifty-sixth, and of this State the twelfth.

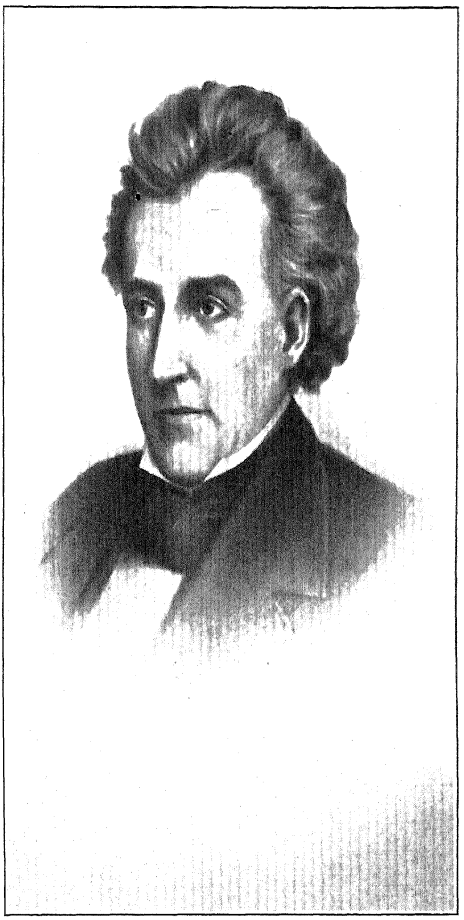
JOHN MILLER.

By the Governor,

JOHN C. EDWARDS, Secretary of State.

September 17.

GOVERNOR DANIEL DUNKLIN



DANIEL DUNKLIN
Governor 1832-1836

DANIEL DUNKLIN

BY

F. F. STEPHENS

Daniel Dunklin was born near Greenville, South Carolina, in the year 1790. Very little is known of his youth beyond the fact that he removed to Kentucky when he was seventeen years of age, and to Missouri three years later, locating at Potosi. He must have secured a fairly good education, for at the latter place we find that he was soon following the legal profession.

Some writers of Missouri history mention Mr. Dunklin as a member of the Constitutional Convention of 1820, but according to the best authorities that was not the case.* In 1828, however, he was elected lieutenant-governor, which position he held until 1832 when he became his party's candidate for the position of governor. It should be added in this connection that parties were in somewhat of a transitional or formative condition, being better described perhaps by the terms Jackson and Anti-Jackson than by any other names. Dunklin belonged to the Jackson party.

It was at this election in 1832 that Dunklin's political enemies related an incident in connection with his position as lieutenant-governor which may or may not have been true. As lieutenant-governor he had presided over the Senate, and it was related that, the weather being cold some of the Senators shut the door of the Senate chamber whereupon Dunklin remarked that the State Constitution provided that the Senate should sit with open doors, and therefore he instructed the sergeant-at-arms to keep, literally, the door open.

In the election of 1832, Dunklin received 9,121 votes, his chief opponent, John Bull, polling 8,035 votes and S. C.

*See Shoemaker's *Missouri's Struggle for Statehood, 1804-1821*, pp. 354f.

Davis 386 votes. St. Louis gave a good majority to Bull, but, as has been the case so many times since, the country disliked the city candidate, and rolled up an opposition majority. It was the country which saved the day for Dunklin.

Governor Dunklin occupied the gubernatorial position during one of the great periods in American history, the Jacksonian period. Moreover, due partially to the prominence of Senator Benton and his unwavering support of President Jackson, the State of Missouri had an importance in national affairs perhaps somewhat out of proportion to its population. We naturally find, therefore, reflected in Governor Dunklin's messages to the General Assembly much relating to the exciting national episodes of the day, the problem of the protective tariff and nullification and the bank question.

Being a native of South Carolina himself, and therefore sympathizing with her economic situation under the tariff, and yet being a resident of a western state and one in which Jackson was really an "Old Hero," Governor Dunklin was indeed in a peculiar position. He was torn between the constitutional theories of South Carolina as elucidated by her great statesman, John C. Calhoun, and those of the national administration as authoritatively stated by the presidential proclamation of December 10, 1832.

On the whole, however, while professing sympathy for South Carolina, Governor Dunklin's views usually followed the Jacksonian interpretation. In his message of January 12, 1833, relating altogether to the nullification controversy, he declared himself in favor of resisting the "encroachments" of the federal judiciary. At the same time, he denied the right of a single state to arrest a law of Congress, even though Congress had abused its powers. He believed the protective tariff laws were unwise and unjust, and an "abuse of a delegated power," but that fact did not to his mind justify nullification. He disagreed with the position taken by South Carolina in that he did not judge the protective tariff act to be unconstitutional. The action taken

by the South Carolina convention, therefore, was premature. The Governor believed, however, that nullification by the "states" would be justified if Congress committed a "palpable infraction" of the United States Constitution, and that the other extreme of nullification, "consolidation" was to be avoided as just as great a danger to the peace and welfare of the country and to the liberty of the individual.

Governor Dunklin held to the theory that the Federal Constitution was ratified by the people of the different states, as states, and not by the whole body of the people of the United States. Hence the states in the plural, were "the proper arbiters for deciding all questions not specifically provided for in the Constitution." He denied that a single state had the right to arrest a law of Congress. On the other hand he believed that the constitutional decisions of the Federal courts were rapidly consolidating and centralizing the government. It was probably this tendency which led him to deny the right of the Federal Courts to "nullify" state laws. It was not difficult to point out the illogical constitutional views of Governor Dunklin, and it is reasonable to suppose that he had a fundamental sympathy for South Carolina, his native State. The logic of his position, however, as a "Jackson" governor of a "Jackson" state, compelled him to temporize with the Jackson theories, thus throwing himself into an inconsistent situation. His enemies were quick to point this out.

On financial questions, Dunklin's position was probably sounder and more logical than on the nullification issue. He opposed the Bank of the United States in its then form, and in this particular followed exactly the opinions of President Jackson. His views as to state banking were of more primary interest to the people of the state, however, as this was one of the great state issues of the day.

Since Missouri's unfortunate experience with banking institutions, in her late territorial and early state period, no such institution had been chartered by the State. As time had passed, the mercantile interests of St. Louis had

begun to feel the absence of banks as restrictive of their success. Hence an agitation for the chartering of some form of financial institutions had developed. In Governor Dunklin's messages to the legislature of November 18, 1834, and January 14, 1835, he elaborated his plans for a banking institution. He opposed the formation of private banking institutions, chartered by the general assembly, but advocated the formation of "a bank of discount and deposit," using the state school funds to invest in the stock. This would be an official state institution, the capital furnished by the state, and the officers elected by the general assembly. Like Senator Benton and President Jackson, he had little faith in paper money, and would strictly limit if not absolutely forbid all paper money issues by the state bank.

Governor Dunklin's recommendations for the formation of a state bank were not followed by the legislature during his term of office. His views, however, were accepted, elaborated, and to a certain extent modified by his successor, and the State Bank of Missouri was incorporated in 1837.

Perhaps Governor Dunklin is best known and remembered because of his advocacy of education. Indeed he is often called the father of Missouri's school system. He wished to place knowledge within the reach of all, the children of the country as well as those of the city, the children of the poor as well as those of the rich. "Education is the best safeguard to our republican institutions," he declared in his first message to the general assembly, "and the only rampart capable of resisting the approach of aristocracy." The prominent part taken by Governor Dunklin in the cause of the public school is described by Prof. C. A. Phillips in his "Century of Education in Missouri."[2]

"In 1833 the Legislature passed an act authorizing the Governor to appoint a committee to formulate a complete system of common and primary schools. Governor Dunklin appointed Joseph Hertich, John J. Lowery and Abel R. Corbin. This committee did its work in a very comprehensive fashion. An elaborate report was prepared which was submitted to the Governor the same year. After much discussion and

(2) *The Missouri Historical Review, vol. 15, No. 2, p. 299.*

tremendous pressure exerted by the Governor, the General Assembly in 1835 passed laws incorporating the more important features of the Committee's report. These features are as follows:

"1. The report provided for a Board of Commissioners for literary purposes. In reality this is the organization of the first Board of Education of the State. The board consisted of the Governor, Secretary of State, Auditor, Treasurer and Attorney General. It is interesting to observe this is the form of the present State Board of Education.

"2. The report provided that schools should continue for at least six months in each year.

"3. Schools were to be supported out of the school funds in each county.

"4. The law made provision also for local taxation as follows: A vote taken over the whole county could secure three and one-third cents on each one hundred dollars for school purposes on two-thirds majority vote. A board of three trustees was provided for with corporate powers. The course of study to be taught was reading, writing, arithmetic, geography, English grammar, and such other branches (theology excepted) as the funds might justify."

To the end that the schools of the state should be encouraged, he was anxious and urgent that the seminary and school funds of the State should be properly managed. In his message of November 18, 1834, he recommended that a site for a state university be chosen. By October 1, 1836, there would be over $145,000 in the university fund, sufficient, he declared, to support an institution "in which may be taught most, if not all the sciences in the highest perfection."

In many ways Governor Dunklin was a social reformer. For instance, he recommended the creation of institutions for the care of the deaf and dumb in the State. He was a strong advocate of good roads, and devoted considerable space in his messages to the legislature to this topic. He favored the reform of the state penal system, and wished to see the cruel and revengeful features eliminated from punishments. He recommended the abolition of whipping as a punishment. In his discussion of the state penitentiary, he made it clear that he favored "solitary confinement with labor" for prisoners, rather than "labor in society," in this particular accepting the Pennsylvania penal system rather than the Auburn system. Modern penal reformers would

disagree with Dunklin in this respect, but it must be remembered that when he was Governor the Auburn system had been scarcely given a good trial, and was condemned by many prison reformers.

Governor Dunklin seems to have been a man of modest and retiring disposition. In his first message to the legislature he expressed his feeling of a lack of the necessary qualifications for the office of governor, and his consciousness that the honor conferred on him was unmerited, a confession that few officials care to make.

In the summer of 1836, three months before the end of his term, Governor Dunklin resigned his office in the State in order to accept the position of Surveyor-General of Missouri, Illinois and Arkansas. He had been nominated for this position by President Jackson. As Surveyor-General, Dunklin was responsible for the tracing of the boundary between Missouri and Arkansas.

He died August 25, 1844, and is buried near his old home in Jefferson county, Missouri.

INAUGURAL ADDRESS

NOVEMBER 22, 1832

From the Journal of the Senate, pp. 29-31

Fellow-Citizens of the Senate, and of the House of Representatives:

In entering upon the discharge of the duties of Chief Magistrate of this State, I feel sensibly my want of qualifications and a consciousness that the honor conferred upon me was unmerited. This reflection greatly increases my anxiety to perform, in a satisfactory manner, the duties imposed on me by the kindness and confidence of the people. I am aware that the ability with which my predecessor has discharged the executive duties, has raised higher expectations in the public mind than it will be in my power to fulfill. But such qualifications as I possess shall be devoted to advance the interest of our State and to promote the happiness of her citizens.

To advert to those general principles which form the outline of the course intended to be pursued, is perhaps, all that will be expected of me in addressing you for the first time.

The diffusion of knowledge by placing the means of its acquisition within the reach of all—a proper management of the Seminary and School funds—the opening and constructing of roads—securing the industrious in the enjoyment of the fruits of their labor—the protection of the honest against the devices of the cunning and the vicious—and a frugal disbursement of the public money, are subjects of deep interests to the people of the State, and shall always receive my steady support.

The idea of bestowing benefits upon the people by giving encouragement to any particular branch of industry, either by encouraging the circulating medium or by offering premiums, direct or indirect, if it does not wholly fail in its object, becomes a tax upon the many for the benefit of

the few. The encouragement of education does not come within this rule. Although the expense of promoting it, is a tax upon the people, the benefit is not confined to the few; for education is the best safeguard to our republican institutions, and the only rampart capable of resisting the approach of aristocracy.

The punishments prescribed for violation of the penal laws, should bear a just proportion to the enormity of the offences committed. Cruel punishments for trivial offences, are calculated to excite the sympathies of humane juries, and frequently cause the acquittal of the accused; and if acquittal be not the consequence, the disproportion of the punishment to the crime has much influence on the mind of the Executive in the exercise of his constitutional power to remit fines and forfeitures, and to grant reprieves and pardons.

Our contiguity to the various Indian tribes, which have been located near our frontier, and the hostile disposition occasionally, evinced by them, renders it peculiarly necessary to keep the Militia well organized and disciplined for our safety and protection.

In consequence of the high political excitement, existing in some of the States, caused by the variety of opinions relative to the manner of the formation of the General Government, and the extent of its powers, our federal relations have become a subject of intense interest. Each state has a government with constitutional provisions for settling all questions of municipal concern, the States collectively, have formed a government with similar provision for settling all questions of a national concern; but there is no acknowledged provisions in either government, for an umpire to decide questions of disputed sovereignty, or questions concerning the proper limits within which each government, shall confine its action. That questions of this character have arisen, is matter of history. What tribunal shall decide them? I conceive that the federal government was formed and ratified by the people of the different States, as States, and not by the whole body of

the people of the United States as one political society;—hence it follows from the nature of the compact that the States, themselves are the proper arbiters for deciding all questions not specifically provided for in the constitution.

From the present aspect of political affairs in the South, this state may soon be called to act upon the doctrines herein advanced,—Some politicians in that section of the Union, contend for the right of a single state to arrest the progress of a law of Congress within her limits, pending the enquiry into its constitutionality. The right of each State to protest against the constitutionality of a law of Congress, and to call upon the other States for a decision, can no more be disputed than the right of the General Government to protest against the laws of a State; but in both cases, the laws must progress until the decision of the states is had. To resist their operation sooner would be Nullification in an odious form.

The question of the renewal of the charter of the Bank of the United States, engrosses much of the public attention. This question, involving the right of the Federal Government to create Corporations, in its consequences seriously affects the rights of the States, and is well calculated to arouse them to a sense of the insignificancy to which they are dwindling by the encroachments of the General Government—claiming the right of establishing branches of this institution in the states against their will, and exempting the capital employed in them from taxation by the states, is impairing the exercise of one of the least questionable of their sovereign rights. That this right involving such consequences, should owe its origin to construction and implication, awakens apprehensions for the perpetuity of our institutions; and clearly shows the weakness of constitutional barriers when assailed by a thirst for power. Let us for the present indulge the hope that the hand of power will be withheld, and our state governments permitted to exercise, unimpaired, all those powers within their constitutional spheres.

It is desirable to keep a harmonious action between the Executive and Legislative branches of the government.

Whatever can be consistently done on my part to promote so desirable an object, shall be performed. I rely with confidence on a similar disposition on your part.

DAN'L DUNKLIN.

NOVEMBER 22D, 1832.

FIRST BIENNIAL ADDRESS

NOVEMBER 18, 1834

From the Journal of the Senate, pp. 12-24

Fellow-Citizens of the Senate, and of the House of Representatives:

On meeting you in the 8th General Assembly to exercise the sovereign power of Legislation, a power created and conferred by the people, it is with unfeigned pleasure that I can say to you, the situation of our country is, in a high degree, prosperous. Though disease, during the summer, prevailed to a considerable extent in some portions of the State, I am happy in being able to say, its fatality has been favourably disproportionate to its attacks. With but few exceptions, our citizens have, this year, escaped the cholera, that scourge of the human race, which has, in its ravages, desolated so many of the fairest portions of the earth. During the past year, two or three sections of the State suffered much from this pestilence; but it is to be hoped its ravages have now ceased.

For the blessings of health, plenty, and general prosperity we enjoy, let us return thanks to Him who is the beneficent author of all good.

The harvest of the present year is plentiful, and in most places, abundant. Our surplus produce finds a ready market at a fair price, securing to the labourer a just equivalent for his industry. At no period have stronger inducements been held out for emigration, nor has there been a time in the history of our State when she was receiving a greater acquisition to her population; and the time is rapidly approaching, when Missouri will take her stand in point of wealth, numbers and political influence, as one of the great States of this confederacy.

In proper time, the Auditor and Treasurer will lay before you their biennial reports. These will show our

financial affairs to be in a more prosperous situation than could have been reasonably expected from the measures adopted by the last Legislature. The taxes were then reduced twenty-five per cent., and the expenditures increased at the same time, in a greater degree. The rates were reduced from one-sixth to one-eighth of one per cent. upon all taxable property, while the objects of expenditures were multiplied by increasing the number of members in the General Assembly, providing for a Penitentiary, a house for the Governor, and a new Judicial Circuit, besides several other items of increased expenditure.

The State debt on the 1st Oct. 1832, was $57,677.40 for loans; and $2,307.58 for old outstanding warrants, making $59,984.98. In the Treasury on the same day were $9,749.66, leaving a balance of debt on that day of $50,-235.32.

On the 1st of October, 1834, the State debt was $48,-526.11. In the Treasury on the same day were $1,870.93, leaving a balance of $46,655.18, which shews that the debt at the latter period,was $3,580.14 less than it was at the former period. In taking this view, however, it is but proper to notice that the finance of 1833, had the advantage of one year's taxes collected before they were reduced to the present rates.

The State debt now consists of loans made of the Seminary and Saline funds; $22,904.80 of which were taken from the Saline fund to pay the debt due by the State to the three per cent. fund. And $23,903.75, (on which there is $1,717.56 interest), was taken from the Seminary fund. $3,903.75 of the latter sum were drawn in pursuance of the 1st and 2nd sections of a law entitled "an act to authorize the Governor to pay off the State debt," approved February 13th, 1833. The balance was borrowed under the authority given in the third section of the same law, and placed in the Treasury to meet deficiences in the revenue to pay appropriations made at the last Session of the General Assembly, among which are those for building the Penitentiary, and paying the balance on the "State loan."

These two appropriations have been paid out of the Treasury in the ordinary way; it became necessary to pay the balance of the "State loan" in that mode, because but few of the creditors who loaned money to the State, would sell their debts; and when they became due, they were paid at the Treasury in the usual manner. The money to pay for building the Penitentiary, could have been procured specially, and so applied. The 11th section of the law providing for its erection, authorizes the Governor to borrow, if necessary, $25,000 from any person or body corporate. This law passed on the 16th January, 1833; that for borrowing money to meet deficiencies in the revenue, being posterior, seemed to make it unnecessary, if not improper, to borrow under the provision of the first law. I was the more willing to procure the money under the last law, inasmuch as by doing so, the interest would go to the literary fund; and had it been furnished under the first law, the interest would have gone to individuals.

A prospective view of our fiscal affairs two years hence will show as probable, that the State debt, created by loans from the Seminary and Saline funds, including interest, will be $67,321.55—ten thousand of which have been borrowed since the 1st day of October last, to meet deficiencies in the revenue to pay the expenses of the last quarter of the preceding fiscal year. Balance due on the 1st of October last on the appropriation for building the Penitentiary, $8,333.33. Ordinary expenses of the Government for the years 1835 and 1836, will probably be $90,000; the total of which is $165,654.88. The estimated amount of taxes from all sources for the years 1834 and 1835, (which go to pay the expense of the years 1835 and 1836), may be set down, including that in the Treasury on the 1st of October last, at $115,000. This shows, that, under the present revenue laws, the State will be in debt, on the 1st of October, 1836, $50,654.88, being $4,000 more than she was two years previously. And by running the estimates two years further in advance, and calculating the expenditures at the sum here set down for 1835 and 1836; and that the receipts

will increase at the usual rate of ten per cent., the State will be out of debt by the close of the year, 1838. Then without contracting a new loan and going systematically into the funding system to support it, it would be impolitic to make much increase of expenditures anterior to that time. The tenth General Assembly, which will meet in 1838, will be organized under a new apportionment: and should there be no increase of the number of members under such apportionment, the necessity of having a new State house prior to the year 1842, will be obviated, when the present rate of taxes will furnish a fund sufficient to build one, pay off the present State debt, and defray the expenses of Government. But as the present General Assembly cannot know what the next may think proper to do as regards the next apportionment of representatives, it is for you to determine whether it will be proper to take measures in anticipation of the necessity for a larger house for the tenth General Assembly. If the Capitol is to be built by November, 1838, it is not now too soon to commence preparations—because contracts cannot be made, materials procured, and the building completed in two years.

These calculations are made upon the supposition that no change will take place in our revenue laws, that would have the effect to reduce the amount of taxes received, or much to increase the expenditure before the year 1838. Although these laws need and are susceptible of improvement, it may be unwise to make any alteration that would produce such a result. The laws can be improved so as to make the taxes equal to the ordinary increase of expenditures, without any additional burden upon the people; and those that now exist may be made to fall more equally by some amendments of the present laws. The taxes payable into the treasury for the year 1833, exclusive of those on licenses, amounted to $29,384.68—the expenses of assessing, making out lists, and collecting of which, including the commission for collecting the taxes on licenses, are $9,093.67. This is an extravagant sum to pay for collecting so small an amount. A material error in the present mode of assessing is, that

the taxes are not equally imposed. Equality in taxation and representation is a radical principle in our political system. Another error in these laws is, the embarrassment thrown upon titles, by selling lands every year for taxes due, and then in fractional parts of tracts. The manner of selling lands for taxes, and the mode now pursued in redeeming them, will, in a few years more, render the titles inexplicable.

To render the extravagant expenditure of money in collecting the taxes, permit me to suggest the propriety of making it the duty of the Sheriff in each county to assess and collect them. By associating these with their other duties, they can afford to perform this service for half what it now costs. And as the assessors and collectors, as well as the clerks who make out the lists, are county officers, and so chosen, they should be paid by those who appoint and control them. This principle is correct as a general rule, and in this particular, it would have a good effect in making the county courts examine more closely into these expenditures It is a principle of our nature to attend more closely to those interests in which we are most immediately concerned. I would, therefore, not only recommend that the Sheriffs be required to assess and collect the taxes, but that the counties should be made to pay all the expenses attending them.

I find it difficult to suggest a suitable remedy for the present inequality in the burden of taxes, produced by such a variety of opinion in the assessors as regards the value of property. By the constitution, all property must be taxed according to its *value*: and, if that is fixed by the assessor in each county, there may be as many different prices to the same species of property, as there are counties. Lands in one county capable of producing sixty bushels of corn per acre, may be assessed at fifty cents; while lands in another, no ways superior either in fertility of soil, or proximity to market, may be rated at twenty times that price.

It is submitted to your consideration, whether it would not remedy this evil, if the Auditor of Public accounts were

required to make an annual estimate of the sum to be raised by direct taxes, which, with the monies acquired from licenses, should be sufficient to defray the expenses of government, and direct him to make an apportionment of the amount among the several counties every year, conformably to some equitable basis to be fixed by law. After the apportionment is made, let each assessor rate the taxable property in his county, as now, according to his own opinion of its value; upon which assessment, the respective County Courts should be required to levy such a per cent. as to produce the sum required. By this rule, a high or a low valuation would not affect the interests of the people, nor produce any inequality between the counties. Should property be rated too high, a small per cent. might be laid upon it; if valued too low, a greater per cent would be required. The amount of the assessor's list will determine the per cent to be laid, but not the sum to be collected. The only difficulty in this plan of levying taxes, will be in establishing a proper basis for the quotas. If it be true that representation and direct taxes should go hand in hand—and the Federal government can levy such a tax in no other way, then there can be no difficulty or intricacy in providing a system that will be equal and just, and that will operate easily in practice. The plan proposed will not affect the *ad valorem* principle established in our State Constitution. All property would continue, to be taxed according to its value, and the assessment as now, be equally discriminative between the rich and the poor within each county in collecting its quota. Although this plan may seem new, there is nothing in it novel or experimental. It is simply a question whether it is most just and equal to levy taxes according to wealth, or numbers, or a compound of both. It is the interest of the wealthy to advocate population as a basis. It is the policy of the poor to contend for a property basis. Justice, and perhaps policy, would recommend a combination of these two principles.

If, by the latter basis, some of the more wealthy counties are in some degree benefitted; those less so, can easily find

an equivalent, by increasing the amount to be raised by licenses, which, practically, is found to be the most convenient mode of raising revenue. The indirect system of taxation is certainly the least burdensome upon the poor, as they consume less of those articles sold by merchants for which a tax is paid. It is no longer a question, that consumers pay the taxes laid on goods. The present inequality in paying taxes, is an evil much complained of, and I persuade myself that some mode will be adopted to remedy it.

To guard against the confusion into which titles are likely to be thrown by the present mode of selling lands for taxes, I would recommend, where they are sold at all—which should not be done until four or five years taxes have accrued upon them—that they be sold in whole tracts as they are assessed, and the balance, after paying charges, be placed in the Treasury subject to the order of the owner of the land.

In addition to the foregoing amendments suggested to the present revenue laws, I would respectfully recommend that bank notes be made taxable. I can see no good reason why they should be exempt; for, even admitting the objection to be valid against taxing *money*, it does not apply to bank notes, because they are *property*. Money even, when upon interest, is considered a fair object of taxation.

The Seminary and Saline funds, which may be considered joint, amount in money, exclusive of interest, to the sum of $87,950.56; of which $56,808.55 have been loaned to the State. Interest on the same, supposing it to be allowed on that borrowed of the Saline fund, will amount, on the 1st October, 1836, to $10,513. There are 37,424 acres of Seminary and Saline lands unsold, which, at $1.25 per acre, will produce $46,780, making the whole university fund, on the 1st October, 1836, worth $145,343.56—a sum, which, if well managed, will bring revenue sufficient to support an institution, in which may be taught most, if not all the sciences in the highest perfection. We are under strong obligations, created by compact with the gen-

eral government, to establish a university; and our State constitution requires that the General Assembly shall take measures for the improvement of the Seminary lands, or any funds accruing in any manner from them, or from any other source; and that such funds shall be and remain permanent to support a University for the promotion of literature and of the arts and sciences. As it would be unwise to use any part of this fund before the whole is placed permanently upon interest, nothing more is requisite at the present Session than to determine on the location of the necessary buildings; a measure rendered expedient by the consideration that in the event of this place being selected, the convicts in the Penitentiary can be employed in preparing some of the materials.

In no country is it so pre-eminently important, as it is in this, to promote a general diffusion of knowledge. The *will of the People* being the basis of our government, and the Supreme law of the land, renders it of the first importance that they should qualify themselves to discharge the duties they have assumed in prescribing the rules of government and controlling its administration. If we do not know those rights and duties, secured and imposed by Government, how can we maintain and discharge them? Our political institutions have heretofore been principally conducted by that patriotic spirit which guided our fathers safely through their revolutionary struggles. This spirit is wearing out, and unless it be assisted by general intelligence—that we may know our rights and duties; and the moral worth of the one, and the political obligations imposed by the other, it will require no prophet to foretell an end to our happy form of government.

The first thing requiring attention upon the important subject of Education, is the money to defray the expenses attending it. So much of financial arrangement as may be necessary to support a university will require but little skill—the funds for that purpose are already set apart; and all that is considered proper now to do, is to place them upon interest in *safe* hands. But more than this is

required in providing for primary schools. Not only is there a fund to be managed to good advantage, but one sufficiently large for the purpose is to be provided. If Congress should pass a law according to the memorial of the last General Assembly—and such a proposition is now pending—that the inferior sixteenth sections may be exchanged for any of the public lands in the district in which they lie, it will make the public burden light in providing for additions to the primary school fund. The enactment of such a law would make these sections worth, upon an average, at least one dollar and a quarter per acre. There have been 32,423 acres of these lands sold already, and they have realized $73,687—largely upwards of two dollars per acre. There are about 1300 townships in this State the sixteenth sections of which, at one dollar and a quarter per acre, will amount to upwards of a million of dollars; and at two dollars and a quarter per acre will amount to upwards of a million of dollars; and at two dollars will come to more than a million and a half. This sum, or even one million, will produce, if well vested, an annual income sufficient, by uniting it with such other resources as may be reasonably calculated on, to instruct those youths who are to become the future guardians of those inestimable rights and privileges we now enjoy.

The important points now to be agreed upon, and which may be considered the foundation of the primary school system, is the sum to be provided for each township, and the mode of its acquisition. Were Congress to pass the law above alluded to, the income from the 16th sections could be made to average each $60 annually. Then suppose that $240 shall be the sum necessary to be provided for each township annually, there will be $180 to be raised by taxes and tuition fees. Of this sum, I would propose that $60 be raised by a township tax, levied as other taxes now are, and $120 by tuition fees. And when the annual income from the proceeds of the 16th sections do not amount to $60, let the deficit be raised by

additional charges for tuition; and when that income exceeds that sum, let the overplus go to the reduction of the price of tuition. And should that income from that source amount to more than $180, then let the balance go to reduce the amount of taxes levied on the township. And, in those cases where the annual income from the school fund may amount to more than $240, neither taxes nor tuition fees would be required; and the excess, of course, would be at the disposal of the school trustees of the township, to be used in the further advancement of education.

Our Constitution requires that the poor be educated gratis. Doubtless there will be some poor orphans in the State; and, perhaps now and then, children with parents too indigent to educate them. But, in a country like this, where labor is so well rewarded, one possessing all the means by which a living may be so easily acquired, that class will be small, though small, yet it must be provided for. Who are the poor, within the meaning of the Constitution may be determined by the County Courts, by such rules as you may think proper to prescribe; and authority should be given to those tribunals to educate such gratis.

Supposing that no bank will be established in this State, it will be asked, no doubt, where the university and primary school funds, shall be placed to produce an income. Should you determine to build a State house for the accommodation of the tenth General Assembly, it will be necessary to borrow money to defray the expenses of its construction. In that event, it is presumed that the balance of the Seminary and Saline funds will be taken for that purpose. The primary school fund is under the control of commissioners in the respective counties; and if the present law on this subject has been complied with, the money is now upon interest. If, however, you shall be of opinion that these funds are unsafe as they are now distributed over the State, and should determine not to build a new Statehouse until the present rate of taxes will furnish a sum sufficient for that object, and should think it of any importance to have the views of the Executive on

the best mode of investing these funds, they will be cheerfully given.

The provision made by the General Assembly at its last session for building a state prison, may be considered as having settled the question of introducing in this State, the system of punishments enforced in penitentiaries. The objections to this system, although entertained by some distinguished for their philanthropy, have been forced to give way to the better opinions of its enlightened advocates; it has generally obtained in the United States, and its progress extended to some portions of Europe. Great Britain, as if weary of her sanguinary laws and convinced of their inefficiency in the prevention of crimes, has taken steps preparatory to its adoption in her criminal code; and we have seen the readiness with which it was embraced by a sister State in which it was once employed and abolished. Indeed the wisdom and humanity of this mode of punishment designed for those unfortunate beings whose crimes have rendered them unworthy of Society, are no longer questioned in the judgment of a majority of the people of the United States. But although this system is thus elevated in the opinion of many, yet owing to defects in plans of discipline, the injudicious arrangement of cells, and other causes, it has failed in some instances to realize what was expected of it, either in the moral improvement of the prisoners, or as an example to prevent the commission of offenses. A hope however is indulged, that by availing ourselves of the light furnished by the experience of others, the system will be restored in the estimation of the public, and made to answer the laudable purposes of its humane founder. The regulations which have heretofore prevailed in penitentiaries, permitting labor in society and suffering the prisoners to sleep together, have proved highly injurious to their morals, and prevented that reformation in their conduct which is one of the ends of punishment; this plan of discipline, though greatly improved by furnishing each convict with a dormitory, has failed to accomplish all that was desired. Those most intent on

alleviating the miseries of man, and whose knowledge and experience entitled their opinions to great weight, have recommended the solitary confinement of convicts both day and night; which by securing them from the contagion of the vices of each other, and by forcing reflection on the enormity of their misdeeds, and the depravity of their past lives, will contribute more to their reformation than any mode of discipline which has yet been essayed. Solitude has been found so salutary a punishment, and proved so efficient in the correction of the most turbulent and depraved spirits, that some have not hesitated to urge it as a punishment, without labour of any kind, which as is contended, by making reflection the only employment of the mind, proves much more effectual as a corrective, than solitary confinement with labour. This is shown by the urgent solicitation made by prisoners in absolute seclusion, for work as a solace from the guilty reflections with which they are tormented. But there are objections to this mode of discipline; and our resources would not warrant its introduction, were those objections removed; and it is confidently believed that penitentiaries can be made to answer all the purposes for which they were designed, by a judicious arrangement of the cells, and the adoption of a rigorous system of discipline, uniting labour with solitary confinement.

Our Penitentiary will be ready for the reception of convicts before our criminal code can be so modified as to subject offenders to the species of punishment enforced in such institutions. So far as the work has progressed, its manner of construction has been on the plan of uniting labour with solitary confinement, a plan on which the most approved State Prisons are now built. There are forty cells nearly completed, which measure within their walls eight feet by fourteen, affording space sufficient for a convict to work in.

As constant solitude with labour is a much more severe punishment than labour in society and separation during the hours of rest, the propriety of adapting our

penitentiary laws to this gradation of punishment is respectfully submitted. Should this suggestion be embraced, our State prison can easily be suited to this end as its plan proposed including within the outward wall three blocks of cells, two of which are yet to be built, and which can, without any difficulty, be laid off either into work-shops similar to those already made, or into dormitories.

These blocks will each contain 40 workshops of the dimensions of those now constructed, or 120 dormitories measuring within their walls 7 by 4 feet. Thus, it will be seen that the Penitentiary, if arranged into cells of the larger size, will contain only 120; but if the two blocks yet to be built should be arranged into cells of the smaller size, it will contain 280; and if one of the two blocks should be laid off into large cells, and the other into smaller ones, the whole number will be 200. It is believed that the latter arrangement will be found to combine the most advantages. The estimated cost of a workshop, such as those now built, is $400; that of a dormitory $150. But when we consider the greater quantity of work performed by convicts in solitary confinement, and the less degree of attention requisite to keep them employed, the difference in the cost of workshops and dormitories will not be disproportionate.

To carry into effect the suggestion made relative to the gradation of punishment, a number of dormitories will be required, which I would recommend to be built of the usual dimensions. The building of these will afford an opportunity to a future General Assembly of testing the efficiency of both modes of punishment,

As sentences of different degrees of severity will necessarily be imposed on the convicts, I submit to your consideration the propriety of extending to the Executive the power of substituting a milder for a more severe sentence, as well as to commute the punishment of death for that of confinement in the Penitentiary.

The introduction of the system of correction employed

in Penitentaries, will it is hoped, take away all pretence for continuing that stain upon our criminal code—the punishment of free citizens with stripes—a punishment which deadens in the culprit all sense of the dignity of his nature, and prepares him for a course of crime and wickedness from which all hopes of his reform are extinguished. As connected with this subject, the propriety is presented to your consideration of forbidding the employment of stripes as a mode of correction in the treatment of prisoners confined in the Penitentiary.

Some of you are assembled, no doubt, under the conviction that the interests of your constituents require the creation of a State bank. My views on this subject have been repeatedly expressed. They have undergone no change; and are known to be decidedly opposed to the whole system of paper money as inexpedient; and when the stockholders of banks are not individually responsible for the redemption of the notes they issue, dangerous to the best interest of the people.

The incorporation of a company to issue paper money, will necessarily involve constitutional questions of grave import, and bring into discussion the appropriate meaning of the prohibition imposed on the States by the Federal Constitution, of emitting "bills of credit." Were I permitted to express an opinion as to the signification of the term "bills of credit," and allowed to derive that signification from a consideration of the mischiefs only intended to be avoided by prohibiting their emission, I should define them to be bank notes designed for a circulating medium, *the payment of which could not be enforced as effectually as debts between individuals.*

If the distinction between legal and illegal notes is taken from the *name of those who make them,* rather than the *value of the notes made*—if when the States are the makers the notes are illegal and are not so when made by an incorporate company of private individuals, then indeed has there been a solemn constitutional guard, from which the community can receive no security. The same wide spread

ruin—the same baneful spirit of speculation—the same fraud and profligacy—the same destruction of confidence between man and man, may flow from the one as well as from the other. A State cannot be coerced by any legal means to pay any debt she may contract. This exemption can make the bills emitted by her, no way inferior to the notes of a bank clothed with the immunities generally conferred on such institutions by their charters. The general principle is, that the corporate funds only of chartered companies are liable to execution; the private individuals composing the company being exempt from the payment of the corporate debts.

It may be inferred from the opinion of the Supreme Court of the United States in the case of Craig *vs.* Missouri, in which the constitutionality of our Loan Office certificates was brought into question, that the States are inhibited by the Federal Constitution, from the emission of any species of paper money as a circulating medium. In speaking of the restriction on the States to emit bills of credit, the court says, "if the prohibition means anything, if they are not mere empty sounds, it must comprehend the emission of any paper medium by a State government for the purpose of common circulation." This decision of the Court was not unanimous—three of the Judges dissented. One of the dissentients, Justice Johnson, concurred in the opinion that the prohibition was designed to prevent the creation and circulation of paper money, but doubted whether the certificates were intended as such. Judge Thompson, who also dissented, observes "if these certificates are bills of credit inhibited by the Constitution (and a majority of the Court decided they were) it appears to me difficult to escape the conclusion that all bank notes, issued by the States or under their authority and permission, are bills of credit falling within the prohibition. They are certainly in point of form, as much bills of credit, and if being used as a circulating medium, or substituted for money, makes these certificates bills of credit, bank notes are more emphatically such. And

not only the notes of banks directly under the management and control of a State—of which description of banks there are several in the United States; but all notes of banks, established under the authority of a State, must fall within the prohibition;—for the States cannot certainly do that indirectly which they cannot do directly; and if they cannot issue bank notes because they are bills of credit, they cannot authorize others to do it." This view of the subject is concurred in by Justice M'Lean, the other Judge who dissented from the opinion of a majority of the Court.

Reference is not made to this decision of the Supreme Court to show my concurrence in the views there taken, nor that the States are bound in all cases by what that tribunal may conceive to be the Supreme law; what this court feels itself bound by a constitutional provision to condemn, I condemn on the score of impolicy, and from a conviction that it is destructive of the permanent interests of the community. It matters not, however, by what course of argument, or by what train of reasoning we arrive at proper conclusions on this important subject. It is obvious that those who believe paper money inexpedient —that those who understand the court to decide, as illegal, the creation of paper money, and believe the decision is correct—and those who thus understand the decision, and believe it erroneous, but nevertheless feel themselves bound by it, must oppose the establishment of a bank which has for its object the making of paper money.

I herewith lay before you in pursuance of an act of the last General Assembly plats of five State roads, located and marked out by five several boards of commissioners. But few objects evince more clearly the prosperity of a country than good roads; and as ours are greatly deficient, I feel it a duty to call the attention of the General Assembly to the subject. The great error in our present system is the gross inequality in the labor imposed for the purpose of making and improving roads. This burden is now divided equally among the male inhabitants, between the ages of sixteen and forty-five, who are able to perform manual

labor, while the benefits arising from good roads are very unequally shared. These facilities to intercourse and trade, are useful to all classes of the community; but particularly to the merchant, peddler and carrier, who derive greater advantages from them than any other description of citizens; and whilst they receive the greatest benefits, they contribute less than others towards their construction and improvement. The *benefits* and *burthens* now fall in opposite directions. Those who work most, have the least use for roads; and those who do little or nothing, have the greatest use for them. This is not all—the very men who do but little work, and receive the greatest benefits, are the most wealthy,—consequently best able to contribute towards perfecting them. This is emphatically the case as regards merchants; one who may be worth a million of dollars does no more work, and frequently not so much, as a man in the most indigent circumstances. This is not as it should be. Although the inequality of the burthen imposed by the road laws is most glaring, it is no easy matter to remedy it. To base the system upon taxes would require a new arrangement of finance, and cause much expense. But would it not in a great degree prevent the present grievous inequality if it were based, as it now is, on labour, but instead of making the apportionment as now, let it be made according to wealth. Make a man who is worth ten thousand dollars, perform ten times as much labour as he who is worth one thousand. If this basis should be adopted, it will become necessary to fix the price of a day's labour, and give to all persons bound to work on the roads (and no man who owns property should be exempt), a privilege to do the work required of them or pay its equivalent in money, with provisions that the money thus paid, shall be applied to the improvement of the roads.

The subject of Lotteries has become one of much interest in several of our Sister States, as you will discover, from documents herewith communicated showing in my opinion strong reasons for abolishing the whole system.

It will be difficult, if not impracticable to arrest the evils growing out of this species of gambling, unless the States generally co-operate in its abolition. It is for the purpose of producing an uniformity of action throughout the States in relation to this matter, that the papers have been forwarded with a request that they be laid before you. In 1829 our Legislature passed a law conniving at the sale of lottery tickets in this State, by levying a tax on those who deal in them. The propriety of repealing that law and making it penal to sell tickets in any lottery is respectfully suggested.

In July 1833, a large portion of the citizens of Jackson County organized themselves, and entered into resolutions to expel from that county a religious sect called Mormons, who had become obnoxious to them. In November following, they effected their object, not however without the loss of several lives. In the judicial enquiry into these outrages, the civil authorities who had cognizance of them, deemed it proper to have a military guard for the purpose of giving protection during the progress of the trials. This was ordered, and the Attorney General was requested to give his attention during the investigation, both of which were performed, but all to no purpose. As yet, none have been punished for these outrages, and it is believed that, under our present laws, conviction for any violence committed upon a Mormon, cannot be had in Jackson County. These unfortunate people are now forbidden to take possession of their homes; and the principal part of them, I am informed, are at this time living in an adjoining county, in a great measure, upon the charity of its citizens. It is for you to determine what amendments the laws may require so as to guard against such acts of violence for the future.

Since the establishment of a Pententiary at this place public opinion seems to have settled down upon it as the permanent seat of government; and as such, it is entitled to the fostering care of the Legislature. Some improvements are almost indispensably necessary. The principal

street leading to the lots selected as a site for the State house, is impassable. The Treasury could not well bear, without injury resulting, to some other service, an appropriation of money to this object; but as it can do without the aid of the public lots, it is recommended that all those unappropriated, be applied to the improvement of the streets, requiring those most immediately connected with the public buildings to be first improved.

I have received and lay before you, a communication from the principal of the deaf and dumb Asylum in Kentucky, covering a letter from an indigent lady of this State, requesting that an unfortunate son of hers may be educated in that institution. It seems that one of the principles upon which this institution is based is, that other States shall pay for the tuition of their own indigent deaf and dumb pupils who may be educated in it. Permit me to suggest the propriety of making a small appropriation for this humane object, and of placing the money, at the disposal of some officer of this State, for the purpose of educating, in that Asylum, such of that unfortunate class of people living in this State, whose parents are unable to pay the expenses of their tuition. Happily, there are too few of this discription of persons among us, to make it necessary or expedient to attempt the institution of such a school here. The whole number, according to the Federal census of 1830, of all ages, was but thirty-one; only five of whom were between the ages of thirteen and twenty-one, and but a portion of these, it is believed, is of a description requiring the beneficence of government.

The last Legislature provided for revising the laws in a way to avoid the expense of reprinting those heretofore digested. It escaped attention, no doubt, that the rapid increase in population—the forming of new counties, and the multiplying of officers in the old ones—would make it necessary to have another edition of the laws published, before the next constitutional period of revision arrives.—Should you be of opinion that this will be necessary, it is respectfully suggested, whether all the laws of a general

nature had not better be "revised, digested and promulgated" in the next edition published.

A matter claiming your earliest attention, is the election of a Senator to Congress to fill the seat made vacant by the death of the Hon. Alexander Buckner. The temporary appointment made by the Executive will, according to his understanding of the Constitution, terminate on your meeting. Thirteen days after which, Congress will convene, and unless a Senator is elected at an early day of your session to fill the vacant seat, this State will, during the first of the next session of Congress, be but partially represented in the Senate of the United States.

I lay before you a presentment of a grand jury in the county of St. Louis,. So much of it as relates to free negroes and mulattoes; and slaves hiring their time of their owners, is entitled to your consideration, and does, I have no doubt, call for legislative interposition.

By associating the duties required of a Librarian, and a Reporter, with those properly belonging to the Secretary of State, the services required of that officer will soon be if they are not already, beyond the ability of one person to perform. I would therefore recommend the appointment of a Librarian, to continue if not from one General Assembly to another, at least during the session; and that it be made the duty of the Attorney General to report the decisions of the Supreme Court. It requires the skill of a lawyer to perform that duty well, and the latter officer must necessarily be taken from that profession, which is not so much the case in the appointment of a Secretary of State. Although that qualification is a very necessary one, yet there are others more so in the selection of this officer. Permit me to suggest that, were the duty of providing fuel for the General Assembly imposed on the Commissioner of the Permanent Seat of Government, it would be more appropriately assigned, that it is now to the Secretary of State.

The Militia is so threadbare a subject, that great reluctances is felt in approaching it; and were it not that I

deem it a duty incumbent on me to endeavor to reclaim it from the ridicule into which it is fast sinking, it would be unnoticed. If, as it has been esteemed, the Militia is the bulwark of the nation, the friends of liberty have great cause to lament the decay into which it is falling. What is the cause of this? Is it a neglect of duty on the part of the Federal or State Governments? Congress has the right "to provide for organizing, arming and disciplining the Militia," and it is the right and duty of the States to appoint the officers, and conduct the training of their several corps. Has this State performed her duty? And if not, is the fault in the law, or in its execution? The present laws governing the Militia are, no doubt, badly executed, and there is want of adaption in them to the object to be effected. One of the defects in our laws on this subject, is, that the superior officers cannot be compelled to discharge the duties devolved upon them. Within the two years I have been in office, there has been, but one annual return from a General Officer. The subordinate officers cannot be expected to perform their duties, while those over them are so remiss in the discharge of theirs. Courts for the assessment of fines imposed on privates, non-commissioned and company officers, are provided for; but none to ascertain the delinquency of General or Field officers. Although they are subject to fines, the provision is nugatory for want of a law to enforce their collection. I would recommend that each of the General and Field officers be required to make annual returns in duplicate, and forward one directly to the Commander-in-Chief, and the other, as now, to the adjutant General. And when they fail to perform these duties, the Executive should be empowered, and required, to enforce the collection of the fines imposed for the failure.

Among the documents submitted, you will find resolutions upon the subject of the Militia from the States of New-York, North-Carolina and New-Hampshire, together with the objections of the Governor of Massachusetts returning a bill making additional provisions for regulating,

governing and training the Militia of that State; and also a report of the Adjutant General of the latter State. These State papers tend to show that the main error in the Militia system throughout those States, arises from a want of proper legislation on the part of Congress; and they urge that body to take such measures as may remedy the evils complained of. I would respectfully suggest the propriety of passing resolutions similar to those communicated.

The Memorial of the last General Assembly, asking from the United States the establishment of a depot of arms on the Missouri and Mississippi rivers, was forwarded to our Senators and Representatives in Congress; and on its presentation was referred to the Secretary of War, since which a correspondence in relation to the subject, has been opened between that officer and the Executive of this State, which I am happy to say promises an issue favorable to the prayer of the Memorial. The location of these depots as desired, together with the Regiment of Dragoons raised for our protection—which is now so actively engaged in ranging our frontiers—will, it is hoped, quiet all apprehensions of hostilities from the Indians located on our Western border.

There has been forwarded by the Executives of the States of North-Carolina and Ohio, a map of each of those States. And from the Executives of Maryland and New Hampshire, I have received the reported decisions of the Courts of their respective States. Such kind civilities evince, on the part of those States, a disposition to cultivate those fraternal feelings which are the surest guarantee of the perpetuity of our happy Union. I hope nothing will be omitted on the part of this State to reciprocate such feelings. It is believed that each State has been furnished with a map of Missouri. And it is recommended that the Executive of this State be authorized to exchange with the Executives of the different States, not only the reported decisions of our Supreme Court, but all such documents as we may possess.

The Bank of the United States is a subject of so much

importance, and so intense is the excitement existing in relation to it, that no apology seems necessary for introducing it in this communication; especially, as some think that a recent measure of the Federal Executive in regard to it, has imposed on the States a necessity of adopting such a policy as will prevent the inconveniences apprehended from that measure.

In September, 1833, the public deposits were removed from the Bank of the United States, and placed in the State banks. This step, in the opinion of some, rendered it necessary to create a banking company in this State, and so great was this necessity deemed by those who urged it, that petitions were presented, praying the Executive to convene the General Assembly for that purpose. This, it was alleged, would furnish a place in which the monies of the General government might be deposited; and, that in addition to the facility thus afforded to that government in the administration of its finances, it would relieve our own citizens from any pecuniary pressure that might arise from a withdrawal of the notes of the bank of the United States from circulation.

In the absence of a national bank, there will be places of deposit wanted by the general government; but banks issuing paper money are not the safest depositories for gold and silver. And the States that have no banks will, most probably, create monied institutions of some kind, which would willingly receive on deposite the money of the Federal government. But whether that be the case or not, the idea that there is an obligation on any State contrary to her own interest, to charter a bank for the convenience of the General government, has not the show of reason to support it. It is the right and duty of that government to make the necessary provision for its own administration.

On the issue of the contest growing out of the removal of the deposits, is suspended the fate of the bank of the United States, and on that fate many of our most valuable rights depend. In a struggle of this kind, in which are involved the purity of our insitutions, the duration of our

liberties, and the inviolability of the Federal Constitution, none can remain inactive spectators. The conduct of the bank itself has aroused the people to a sense of its dangers. And many, who heretofore regarded it as a useful and harmless institution, are now impressed with a conviction of the imminent perils which hang over the liberties of the country from its longer continuance. The panic it has created—the terror it has spread through the land—the attitude of defiance and hostility it has assured towards the government—a government of which it pretends to be an humble agent—its improper pecuniary transactions with the conductors of some of the leading journals in the Union; must inspire every lover of his country with a hope that, an institution wielding so much power, with capacity for so much mischief, will receive from an indignant people, that sentence of condemnation it so justly merits. Resolutions on this subject from Massachusetts, are submitted.

The policy of the General Government in relation to the public domain, continues to be a subject of intense interest to the people of the Western States, and to none more so than this. While we witness the Federal Executive influenced by the most liberal and enlightened views with regard to the disposition of the public lands, it is with regret that we see the sordid policy by which those views are counteracted and prevented from being carried into effect, by that branch of the government, to which, from its constitution, we are taught to look for a compliance with our wishes, when founded on justice.

The provisions of the "Land bill," as it is generally termed, are known to you all; and notwithstanding the infractions of the Constitution it involves, and its injurious tendency on the permanent interests of the Western States, it would have become a law but for the salutary exercise of the negative of the President.

This State, on a former occasion entered her solemn protest against the passage of this bill; and, I trust she will in spite of the *douceur* with which it is accompanied, still continue to express her opposition to it, or any bill in-

volving similar principles, as long as its passage shall be urged upon Congress.

The pernicious effect of the bill in question upon the legislation of the States, is not among the least of its evils. The direct responsibility of those who enact laws to those who are compelled to sustain the burdens they impose, is the most effectual check to excessive legislation and taxation, and the surest guaranty of economy in the disbursement of the public treasure. Should this bill become a law, and the dividend of this State under its provisions, be sufficient to defray the expenses of her government, the necessity of direct taxes would thereby be superseded, and the representative forgetting his responsibility to his constituents, would indulge in the wildest schemes of extravagance, and the most visionary projects of improvement, involving the appropriation of money, which would not be tolerated by the people, were they conscious that their pockets supplied the extravagance. And it is not to be disguised that the people pay these taxes, though, by reason of the agency of the General Govermnent in their collection, the payment is so indirect, that they are not aware of the time when, or the manner how they are paid; nor of the amount exacted from them; hence the great indifference invariably shown to the appropriation of money acquired by these indirect means.

So long as the Federal Government shall hold lands within the States, so long will they be dependent on that government, and that equality which should exist among the members of this confederacy be seriously impaired. This State, though possessing jurisdiction over an extent of Territory surpassed by but few States in the Union, in the exercise of the power of taxation, is confined to an inconsiderable portion of it; and so long as she is held in this humiliating attitude, so destructive of all the State pride, will she be found in the Halls of the National Legislature begging a relaxation of the rigors of the land system.

The true interests of the two governments will never

be properly consulted, until the claim of the General Government to the public lands is extinguished; and the readiest and most equitable mode of effecting this object, is to reduce and graduate the price, and finally to cede the refuse to the States in which they lie. This plan has no novelty to recommend it; its adoption has been frequently urged upon Congress; and although the graduation principle has been fully acknowledged by the Senate of the United States in the Chickasaw treaty, in disposing of the lands belonging to the Indians, yet, there seems to be great reluctance in the General Government to part with the public lands upon the same principle. But justice must be done in the end; and let us never despair nor cease to urge it until the absolute impracticability of success is fully demonstrated. Resolutions on the subject of the public lands from Massachusetts and Georgia are communicated.

I submit to your consideration, a claim of the clerk of the Supreme Court of the United States, against this State, for services rendered by him in the case of Craig, *&c. vs.* the State of Missouri, in which was involved the constitutionality of our Loan Office laws. The claim of itself scarcely merits attention, and I would cheerfully recommend its payment, did I not believe its sanction would lead to a train of consequences seriously affecting the interests of the State.

If the Supreme Court of the United States were warranted by the Constitution in assuming the jurisdiction it exercised in that case, then not only should that claim be paid, but the debt which has been recovered from the defendants Craig and others, should be refunded to them; and, following out the principle, all the money which has been received by the State from her debtors, in consideration of Loan Office Certificates borrowed, should likewise be refunded. For it is not to be presumed that the State would avail herself of any technical defense furnished by the law, in order to be relieved from the obligation of acting with impartiality towards her citizens. Even handed justice should guide her conduct—all who are able should be

made to pay, or all who have paid, should have their money restored.

Should this decision of the Supreme Court of the United States be interposed to prevent any future collections of debts due the State for Loan Office Certificates, then the enquiry will devolve on the government of this State, whether the States have the right to make and circulate paper money of any kind? If this power be denied them—if the whole subject of the currency falls within the sphere of action allotted to the General Government and the States are restrained from issuing notes of any description, then indeed is the question settled. But if the States have reserved the right to create paper money—if the excise of that right is within the sphere of action they retained to themselves in the formation of the General Government, then, according to the principles long since established the Supreme Court of the United States, the State exercising the right, must decide upon its extent; for it has been admitted by that tribunal that "in America the powers of sovereignty are divided between the government of the Union and those of the States; they are *each* sovereign with respect to the objects committed to it, *neither* sovereign with respect to the objects committed to the other." "That a power to create implies a power to preserve, that a power to destroy, if wielded by a different hand is hostile to and incompatible with these powers to create and preserve." These principles, the truth of which cannot be controverted, sustain the States in as complete and independent an exercise of the powers they reserved to themselves, as they do the General Government in the exercise of those with which it has been clothed. And so, if the States reserved to themselves the power to legislate in relation to paper currency, they determine all questions arising under the exercise of that power, and can not be controlled in their decisions by the decrees or judgments of the Supreme Court of the United States.

I herewith transmit resolutions from the States of Mississippi and Massachusetts, responsive to those of Georgia

proposing a call of a Convention of the States for the purpose of amending the Federal constitution. This subject was introduced to the attention of the General Assembly at its last Session, when I had the honor of communicating to that body the resolutions of the State of Georgia. I am not aware that any definite action was had upon those resolutions during the Session. As this is one of modes pointed out by the Federal Constitution for its amendment, considerations of policy, if not respect for our Sister States, should influence us to give such propositions when made, that deliberation which their importance merits, and to return an expression of the opinion or wishes we may arrive at in relation to them.

As the constitutional right of the General Government to construct the Cumberland road is admitted by those who assume authority in relation to this subject, and its construction is not supposed by them to violate any of those principles which have of late years obtained in regard to appropriations for internal improvements; and as in the grant of the public lands by the General Government to the States for their improvement, our claims to a share of them seem not to have been recognized; justice and fair dealing demand an extension of this road to the Western boundary of the State of Missouri. The injustice in withholding from us the benefits to be derived from such a measure, is, by some, sought to be justified by the consideration that there is no State West of us, which could receive any advantage from its extension. But because it is the fortune of this State to be situated on one of the extremities of the Union, shall she therefore be treated as a stranger in the Federal family, and be doomed to the mortification of seeing herself neglected by those from whom she expected demonstrations of paternal care? Our geographical position, especially when considered in conjunction with the character of our neighbors in the West, and the relation between them and the United States, so far from warranting the General Government in refusing us this road, is a strong argument why it should be extended as

is desired; and if any thing can impress on our Federal Rulers the importance in a national point of view, of an extension of the Cumberland road through this State, it must be the location of the Indians on our Western frontiers, and the obligation of discharging the duties incumbent on them in regard to this people. There is nothing contained in the compact between the United States and this State, at the time of her admission into the Union, to palliate the injustice we have received. For although that compact only imposes the obligation to make a road to the State and not through the State, yet the stipulation to the obligation construct a road to the State is made to rely for its fulfillment on the two per cent. of the net proceeds of the sales of public lands made within the State and guaranteed for that purpose. But it cannot be pretended that in the construction of the Cumberland road within those States with which similar compacts have been made, that the General Government has limited its appropriations for that purpose to the two per cent. of the net proceeds arising from the sales of public lands within their limits; for it is evident that such a part of the proceeds bears but an inconsiderable proportion to the amount that has been expended. Two per cent. of the net proceeds of all the public lands sold from the commencement of the Government to the present time, would not make one hundred miles of M'Adamised road. And the two per cent. of such proceeds within this State would not, were it so applied, construct five miles of such a road. It must be obvious, then, if the Cumberland road is extended to the Mississippi, it must be done with other resources than those provided by the compacts with the Western States. And what has Missouri done to bar her claims to an equality in the participation of the benefits arising from this road? Surely not in contributing towards ridding other States of their Indian population and locating them on her borders. This it would seem should increase rather than diminish her claims upon Congress in the distribution of its protecting favors. But should our expectations with

regard to this road be doomed to disappointment, and its extension through this State be considered a matter, not of national importance, and therefore not warranted by the principles which govern appropriations for internal improvement; considerations of justice and equity will strongly urge a grant to this State of as much of the public lands as will place her on a footing with the other Western States, in which the public lands lie. Ohio, Illinois and Indiana have each received from the General Government, large quantities of lands for purposes of internal improvement, and no good reason can be assigned why Missouri too, should not be made a participant of the advantages resulting such grants.

I herewith communicate resolutions of the States of Maine, Maryland and Connecticut relative to the proceedings of South Carolina, in regard to the tariff laws. While a diversity of opinion exists among those States as to the justice and policy of the laws in question, they all unite in condemning the course of that State as fraught with dangerous consequences to the Union. I had the honor to make known my sentiments on this subject in communicating the proceedings of South Carolina to the last General Assembly. To the views then taken in relation to the general rights of the States to arrest, within their respective limits, the progress of a law of Congress, passed under an assumption of authority not warranted by the Constitution, I have nothing to add. But as to the obligation on the State to observe these particular laws, permit me to say, that among all the powers delegated to Congress, none are more unquestionable, or less restricted, than those to raise revenue. And the mode of raising it by impost duties, seems to be the one particularly designated for the general government, because the States are prohibited the right to levy such duties. I lay before you also, resolutions of the State of New Hampshire, relative to this and other subjects; all of which are entitled to your consideration.

Since you were last assembled, an event has occurred

which has given cause for Europe to mourn, and appeals powerfully to the feelings of America for her sympathy. Lafayette the liberator, the philanthropist and the early Companion in arms of our beloved Washington, is no more, and nations deplore his loss. "On such occasions, it is manly to weep." Missouri will not be backward in manifesting her sorrow for the loss of this early friend of America, and of human liberty; I, therefore, respectfully suggest the propriety of expressing her feelings on this occasion, by the adoption of such resolutions of condolence, as to you may seem best adapted as a manifestation of the deep regret she feels in loosing such a benefactor of mankind.

I have now recommended to your consideration such measures as, by me, were deemed necessary and expedient. If, in the performance of this duty, any errors have been committed, I feel confident that your charity will not suffer them to be attributed to any want on my part, of a desire to promote the interests of the people. I assure you of my willingness to co-operate with you in the promotion of the welfare of the State; and indulge the hope that our intercourse may be of that friendly character so necessary to the attainment of that object. And while engaged in our deliberations, let us invoke HIS aid, by whose agency alone our labors can be crowned with success.

DANIEL DUNKLIN.

CITY OF JEFFERSON, NOVEMBER 18, 1834.

VETO MESSAGES

TO THE SENATE

JANUARY 5, 1833

From the Journal of the Senate, pp. 147-149

To the Senate:

Gentlemen—The bill "to divorce Mary Ann Dunlap, late Mary Ann Lawrence, and David Dunlap, from the bonds of matrimony," presented for approval on the 2d instant, brings two important questions into investigation: one the *Constitutionality*, the other the *expediency* of a bill to grant a divorce by the Legislature. Can the Legislature constitutionally exercise the power claimed to pass this bill? If it can, then is it expedient to engage in this species of Legislation? I will make but one remark as to the expediency. When parties are divorced by the Legislature, it is valid only in the State granting it. When divorced by the Court, it is valid in every State in the Union—See 2 Kent 92, 99 & 100. With this remark, I will dismiss the question of expediency; and however opposed I may be to the practice of legislating in such cases, I would not withhold my assent to this bill, were there no Constitutional objections.

The Constitution of this State, in the 2d article, provides, that "the power of Government shall be divided into three distinct departments, each of which (department of powers) shall be confined to a separate magistracy and no person charged with the exercise of powers properly belonging to one of those departments shall exercise any power properly belonging to either of the others." In this article, two things are guarded against: one that the same *powers* shall not be exercised by *two* departments; the other, that the same persons shall not, at the same time, be capable of exercising powers in *two* departments. Then, to which of the departments does it "properly belong" to exercise the power to grant this divorce? If to the Legislative, then the

Judicial cannot exercise the power, if to the Judicial, then the Legislative cannot exercise it. Before I proceed to answer the question, let me remark, that the Legislature is not asked to reinstate a right forfeited to the government; nor to remove a disability created by the government; but to absolve one of the parties from obligation to perform certain duties, (such as continence and kindness), contracted by previous marriage—Then I ask, to which of the departments of government, does it "properly belong," to exercise the power to grant this divorce?

Let me, in the first place, enquire if the obligations contracted by marriage, can be considered in the light of a *civil contract;* if they can, and the benefits arising under them, are confined to the *parties* in matrimony, then the Legislature cannot constitutionally enact any law in violation of them. In support of its being a civil contract, see 1 Blackstone 433, 439—2 Kent 75, 87—Code Napoleon No. 233, 297—4 Jacob 242, 243, 244—Paley's Philosophy 212. These are highly respectable authorities, yet they do not prove clearly to my mind, that the contract is confined to the parties in matrimony. The *public* have an interest in the benefits resulting from the contracts, consequently the *political* as well as the *legal* branch of the Government could, from the *nature of the contract itself,* take jurisdiction of such cases.

Next, let us enquire if the issue between this woman and her husband is a matter of "law or equity." If it be either, the 1st section of the 5th article of the Constitution of this State, vests the powers over it in the Courts. The same reasoning that would prove the marriage to be a civil contract, would prove this contract to be a matter of law or equity.

Let us, lastly, enquire into the American precedents upon this subject. By the constitutions of Georgia, Alabama and Mississippi, it requires two departments of their respective governments, to grant divorces: the Judicial to settle the facts, and the Legislative to determine whether they are sufficient to absolve the parties from bonds of matrimony. In Massachusetts and New-Hampshire, the

constitutions made temporary provisions upon the subject of divorces; the first giving the power to the Governor and Council, the other to the Judiciary. But these States afterwards made provisions, giving the power to the judicial branch of their respective governments, where it has remained ever since. These five are the only States making any constitutional provisions upon the subject of divorces. Virginia and Maryland are the only States in which this power is exclusively exercised by the Legislature and even in these two, the Courts decide between the legal and illegal marriages. In the other seventeen States, the Judicial branch of the government exercises powers over divorces, and, except in Kentucky, Illinois and Missouri, it is exercised *exclusively* by the Judicial branch.

Here is great weight of authority shewing that the power to grant divorces, ought to belong to the courts of law; yet, it does not conclusively prove, at least to my mind, that the power *could not*, consistently with the nature *of the contract*, be exercised by the Legislature. Then, why withhold my approval of this bill?—It is because every branch of this government has concurred in assigning the power to grant divorces to the Judiciary—see Revised Code, page 329. The 3d section of that law provides, "that the Circuit Court sitting as a Court of Chancery, shall have jurisdiction in *all* cases of divorce and alimony. And as before shown *two* departments cannot exercise powers over the same case.—But it may be said that it is as reasonable to question the constitutionality of *that law* as the constitutionality of this bill. To prove that law unconstitutional, will require it to be shown that the martial right is *exclusively political*, and that the Legislature has the *exclusive* right to exercise powers over it. The only authority for such an opinion, that has fallen in my way is the practice of the States of Virginia and Maryland, while the practice of the other twenty-two States is directly to the contrary. Were it not for the law "concerning divorces and alimony," I should have no *constitutional* objection to approving this bill. But if that law be constitutional (and I believe it to be so) then it is incom-

patible with my duty, according to my construction of the 2d Article of the Constitution of this State to approve this bill. It is therefore returned to the Senate, where it originated.

Most respectfully,

DAN'L DUNKLIN.

CITY OF JEFFERSON, JAN. 5TH, 1833.

TO THE SENATE.

JANUARY 26, 1833

From the Journal of the Senate, pp. 207-208

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 26, 1833.

To the Senate:

Gentlemen—The bill entitled "an act to divorce Eliza H. Gay," was presented for approval on the 17th instant. I can discover nothing in this bill to distinguish it, in principle, from the bill to divorce Mary Ann Dunlap and David Dunlap, from the bonds of matrimony, which was returned with objections on the 5th instant. To the message accompanying that bill on its return, permit me to refer you for my objections to the passage of this bill. It is to me a cause of much regret to differ in opinion with a co-ordinate branch of the Government. If, after bestowing the best consideration of which I am capable, there was any doubt left upon my mind, as to the correctness of the opinion heretofore expressed upon this subject, I would reverse it, since I find a majority of the Legislature, upon a reconsideration of the matter, of a different opinion.—But the premises from which I conclude, the Legislature has no constitutional right to grant divorces in this State, in such cases as the one now under consideration, seem to me too plain to admit of doubt; but such is the diversity of human intellect, that it not unfrequently happens, that that which appears to some the plainest logic, to others seems the most palpable

sophistry. In this case, I lay no claim to exemption from error, except moral error; and this, I am sure, will be awarded me. The bill is returned to the Senate, where it originated.

Most respectfully,

DAN'L DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES.

FEBRUARY 2, 1833

From the Journal of the House of Representatives, p. 262

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 2, 1833.

To the House of Representatives of the State of Missouri:

Gentlemen—The bill entitled "an act to divorce Winaforde B. Hicks from the bonds of matrimony, by her contracted with Ammon Hicks" was presented for approval on the 26th of January last.

After a careful examination of its provisions, I can discover nothing to entitle it to an exception to the objections returned to the Senate with the bill entitled "An act to divorce Mary Ann Dunlap late Mary Ann Lawrence and David Dunlap from the bonds of matrimony."

That message having been communicated to the House of Representatives permit me to refer you to it for my objections to the passage of this bill.

Most respectfully, your ob't. serv't.

DAN'L DUNKLIN.

TO THE SENATE

FEBRUARY 8, 1833

From the Journal of the Senate, p. 240

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 8, 1833.

To the Senate of Missouri:

Gentlemen—On the sixth of the present month, I received for approval, the following bills, to wit:

"An act to divorce Solomon Fisher and Susan Fisher, from the bonds of matrimony;"

"An act to divorce Sophia Hamilton, late Sophia Holdman, from the bonds of matrimony by her entered into with Robert K. Hamilton;"

"An act to divorce Mary Wallace, late Mary Fry, from the bonds of matrimony by her contracted with Barnabas Wallace;"

"An act to divorce Elizabeth H. Dedmore, late Elizabeth H. Ralph, from the bonds of matrimony contracted with John C. Dedmore;"

"An act to divorce Martin C. Bonham, and Elizabeth his wife, late Elizabeth Moore from the bonds of matrimony." And,

"An act to divorce Sarah Ann Washburn from the bonds of matrimony by her contracted with Leander Washburn."

For my objections to the passage of these bills, I refer you to the message of the fifth of January last, returned with the bill entitled "an act to divorce Mary Ann Dunlap and David Dunlap from the bonds of matrimony."

Most respectfully,

DAN'L DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1833

From the Journal of the House of Representatives, p. 288

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 8, 1833.

To the House of Representatives of the State of Missouri:

Gentlemen—The bill entitled "An act to divorce Sarah Daugherty from the bonds of matrimony by her contracted with Ralph Daugherty, and (36) other persons therein named" was received this day.

From the opinion of the Legislature so repeatedly expressed on their powers to grant divorces, did this bill present no other question than those heretofore presented in such cases, the respect and confidence I have in the two

Houses might cause me to suspect the correctness of my former opinion, and give way to their better judgments. But this bill it is fair to presume covers all the ground that could be occupied upon this subject, and if any one of the thirty-seven sections, granting divorces was unconstitutional it would be an objection to the passage of this bill as effectually as if they were all so.

I have approved two bills passed at this session granting a divorce each, but each cause showed it an exception to the general rule I had laid down in my first message upon this subject. No evidence is produced to show, that either of these cases are entitled to distinction, and unless all of them are so I cannot esteem them as exceptions.

The means upon which my objection to the Legislatures granting divorces are predicated, may be found in a message of the 5th of the last month communicated to the Senate on the return of a bill entitled "An act to divorce Mary Ann Dunlap late Mary Ann Lawrence and David Dunlap from the bonds of matrimony," to which permit me to refer you.

Respectfully,

DAN'L DUNKLIN.

TO THE SENATE

FEBRUARY 9, 1833

From the Journal of the Senate, pp. 245-246

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 9, 1833.

To the Senate:

Gentlemen—The bill entitled "an act for the relief of Jaen Mathias Hyacinthe Renard, and Marie Louise his wife," was presented on the sixth for approval. It is with no feelings of affectation, in which I declare that it is with extreme regret I feel myself under the necessity, conscientiously of objecting to the passage of this bill, particularly since I have no reason to believe, that society or any member of it, would be the worse from its passage.

The objection I have to the passage of this bill is, that it is a matter of *law or equity*, and that consequently, all powers over it, are vested in the courts of judicature, by the fifth article of the Constitution of this State. If the bill provided to remove the disability of married women, to make civil contracts by a general law, I do not at present see any constitutional objection to the exercise of such power, or if the provision was to remove the disability of these two women, to make contracts generally, perhaps the only question would be one of expediency, but this provides for neither. It is to authorize a particular person to make or change a particular contract, and a contract too, in which the *public* has no sort of interest. Is there no remedy for these cases at law? In Reynards case it is stated to be doubtful. The peculiarities of that case are set out, but in Lamarque's case, nothing is shewn, from which I can conclude the parties are without legal remedy. If there be legal remedy, then the 2d art. of the Constitution, prohibits legislative action. My personal knowledge of Mr. and Mrs. Lamarque, and the conviction, that if this right was given them as desired, it would not be abused in their hands, add to the reluctance with which I object to the passage of this bill. It is returned to the Senate, where it originated.

Most respectfully, your obedient servant,

DAN'L DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1833

From the Journal of the House of Representatives, p. 315

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 12, 1833.

To the House of Representatives of the State of Missouri:

Gentlemen—The bill entitled "An act to dissolve the bonds of matrimony existing between Francis F. St. Cyr and Martha A. St. Cyr," was presented on this day for approval.

The objection to the passage of this bill upon constitutional ground, is not less than that to divorce Mary Ann Dunlap, late Mary Ann Lawrence and David Dunlap from the bonds of matrimony."

I refer you to my message, giving my objections to the passage of that bill, for my objections to the passage of this. Most respectfully, your obedient serv't,

DAN'L DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1833

From the Journal of the House of Representatives, p. 321

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 12, 1833.

To the House of Representatives:

Gentlemen—The bill entitled "an act attaching a part of the county of St. Charles to the county of Warren and for other purposes," was this instant received. On this bill two questions arise, both upon constitutional ground. The first is: does it leave four hundred square miles within the limits of St. Charles county? As to this fact there are some doubts. Whether it does or does not is a question susceptible of demonstration. This fact however I shall pretermit, because, first, the time allowed is not sufficient to ascertain it; and second, it is not important, as the other is one that is controlling with me.

The second is whether an old county having less than twenty miles square when the constitution was formed, is less protected in its territory, than if it had its full quantity. It is strange if the constitution provides that no *old* county "shall ever be reduced by the establishment of new counties to less than twenty miles square" and at the same time permit an old county with a less extent of territory to be reduced still lower. I cannot myself construe the constitution on the subject in question in this light. This bill is therefore returned to the House where it originated.

Most respectfully,

DAN'L DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1833

From the Journal of the House of Representatives, p. 324

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 13, 1833.

To the House of Representatives:

Gentlemen—A memorial "to the Senate and the House of Representatives of the U. States in Congress Assembled" on the subject of Steam Boats in the Western States has just been presented for approval.

This memorial asks of Congress that "such portions of the maritime laws as may be judged advisable to be applied to vessels navigating the Western waters."

This is inviting another species of jurisdictions within our limits that may unnecessarily perhaps come in conflict with State authority. I have not time to investigate the subject, and as no inconvenience can result from the failure of the memorial, and as it cannot in all probability be retained longer than to-day, I return it to the House of Representatives where it originated with the objection above intimated.

Most respectfully,
DAN'L DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1833

From the Journal of the House of Representatives, pp. 324-325

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 13, 1833.

To the House of Representatives:

Gentlemen—The "Act for the relief of John Eli Tholozan and Adelle his wife" was this moment presented for approval.

These persons ask to be relieved from what they seem to consider a legal embarrassment, by authorising them to sell some real estate the title to which seems as far as is shown in the bill, is in H. Cozens trustee for the Heirs of said Adelle. Why do they wish to sell this land over the head of the trustee? Why does not he sell it? Is he not in existence? If he is not, why not his executors sell it? If he has no executors, cannot his administrators under justifiable circumstances sell it? I have not sufficient time to enquire and satisfy myself on all these points. If I had, most probably it would turn out to be a case already provided for by law.

A retention of this bill until the next session of the General Assembly would be tantamount to objections urged. It is therefore returned to the House of Representatives where it originated.

Most respectfully,

DAN'L DUNKLIN.

TO THE SENATE

JANUARY 3, 1835

From the Journal of the Senate, pp. 149-150

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 3, 1835.

To the Senate:

Gentlemen—On the 31st of December, 1834, a bill entitled "an act for the relief of Richard C. Johnson and Daniel R. Sumner of New Madrid," was presented for my approval. I have given the subject the most deliberate investigation, and not being satisfied, that it should become a law, feel it my duty, at all times a painful one, to return it to your house, being the one in which it originated, with my objections.

I shall not trouble you, in the reconsideration of this bill, with the several objections that might be urged against it; but will simply mention one, which, to my mind, is conclusive. In doing this, I shall be brief, since, in principle,

it is the same that governed me in withholding my signature to a bill, entitled " an act to divorce Mary Ann Dunlap &c.," which was communicated to the Senate on the fifth day of January, 1833.

The objection to the present bill, is, were it to become a law, it would be in violation of the constitution of this state. The second article of that instrument divides the powers of this government into three departments, and says expressly that "no person charged with the exercise of powers properly belonging to one of those departments (Legislative, Executive and Judicial) shall exercise any power properly belonging to either of the others." To which department, or to which class of powers does it "properly belong" to relieve Johnson and Sumner of their recognizances. If it properly "belongs to" the Legislative department, then it cannot be exercised by either of the others; and if it "properly belongs" to either of the other departments, the Legislature cannot properly exercise the power. As the case of these two individuals seems to be on trial in court, there may be a question at this stage of it, whether the power to relieve them rests with the *courts* or the *Governor;* but I cannot see the ground upon which the Legislative deparment can rightfully claim to relieve them. If they have any legal or equitable defence to make—and the bill provides for their relief upon the condition that it would be equitable to do so—the court is the proper tribunal to hear and determine it. Should they, however, have no such defence to make, the Executive, under the power given in the sixth section, of the fourth article of the constitution, to remit fines and forfeitures, is the proper source to apply for relief.

The objection here suggested, applies more forcibly to the bill before me, than it did to the divorce bill. The assignment of the power to grant divorces is a provision of law: the power to remit fines and forfeitures is a constitutional provision; and being given to the Executive, the other departments, by another provision in our constitution, are prohibited the exercise of that power. If it should be said

that these men have not yet forfeited their recognizance and consequently the Executive power to remit has not accrued, the answer would be, that if the power to relieve them before judgment, if forfeiture is rendered, is not with the executive branch of the Government, it is with the judicial branch; and whether with one or the other, is equally an objection to the passage of this bill.

Most respectfully,

Your obedient servant,

DANIEL DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1835

From the Journal of the House of Representatives, pp. 332-334

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 10, 1835.

To the House of Representatives:

Gentlemen—A bill entitled: "An act for the benefit of the heirs of Thomas P. Ross, deceased," was presented for approval on the second day of the present month:

This bill does not purport to seek a remedy for these heirs, which is not in the power of the courts of "law and equity" to grant; nor that the object sought is of a public nature—The reason assigned in the bill for its passage, is that it would subject the parties to trouble and costs in obtaining legal conveyances to some lands.

I consider myself peculiarly unfortunate in having to interpose one of the Executive powers, conferred by our State constitution, so frequently.

At the last session of the General Assembly, with a full conviction of its correctness, I returned several bills, with the same objection, in principle, to each, that I have to the passage of this bill.—Then, as now, the objections were made with much reluctance and regret; so much so, that could I convince myself of the propriety, or find an excuse in my own mind for signing such bills, it would give me

pleasure to do so.—Differing with such a number of gentlemen, most of whom—perhaps all, are better qualified to judge of constitutional powers and obligations than myself, is well calculated to create a distrust as to the correctness of my objections; but opinions are arbitrary, they are subject only, to the reasoning powers of the mind that forms them; they cannot be adapted, when honestly entertained, to suit circumstances; the best moral exercise of the mind, giving the opinion is all that can be reasonably expected of the agent by whom it is exercised. This consideration will, I hope, acquit me of any moral censure, however erroneous my opinions may be.

The question here presented is one of logic—of plain logic, the major proposition being that "judicial," powers cannot be exercised, (except in a few specified cases,) by the "Legislature." The minor proposition is, that, to mak a legal conveyance to land in every case where the public is not a party, is a "judicial" act.—If these two propositions are true, then the conclusion is irresistible, that the Legislature cannot require the heirs of Ross, or any person for them, to make a conveyance for their lands.

Is the major proposition true, or do I beg the question? If the different departments of this government are forbidden the exercise of powers, belonging to each other; or to speak in the language of the second article of the constitution of this State, if "no persons charged with the exercise of powers properly belonging to one of these departments (Legislative, Executive and Judicial) shall exercise any power properly belonging to either of the others;" then it would seem, that the major proposition was established. This reading of the constitution, has the aid of the opinion of the supreme court. It is but proper to remark, however, that a rehearing was granted the unsuccessful party in the case in which the court gave the opinion alluded to.

Is the minor proposition true? Distrusting my judgment in questions purely legal, I required of the Attorney-General, his official opinion, by which it appears, that the remedy sought for by this bill, is of a "judicial" character,

and that the parties have ample remedy in the courts of equity in procuring titles. Inclosed is the opinion of the Attorney-General, which sustains, as I conceive, the minor proposition.

The great advantage which the Governments in the United States have over other Governments, is that the people are guarded by constitutions—first, against oppression from their Governments—second, their rights are not subject to the action of each and every department indiscriminately.

Those rights which are of public nature, and subject to legislative action, cannot be controlled by either of the other departments; and those rights, which are of a private character, and subject to the action of the Judiciary, cannot (except in a few specified cases,) be interfered with, either by the Legislative or Executive; and so of those intrusted to the Executive, each of these departments are, by our constitution, prohibited the exercise of powers properly belonging to either of the others.—And were it otherwise, what would be the consequence.

If the Legislature, can require James Kenrick (the commissioner named in the bill) to make conveyances to land belonging to the heirs of Ross, then it can require him to deed away *his own land;* and the conditions, too, upon which he shall do so, may be prescribed by the Legislature.

Mr. Jefferson, who, perhaps, went as far as any American statesman, in sustaining Legislative powers, always excepts the private rights of individuals—further than they could be affected by general laws—from legislative powers.

The bill entitled "an act for the benefit of the heirs of William Jamison, deceased," was presented on the fourth of this month, for approval. The objections to the passage of this bill, are the same as to that for the benefit of the heirs of Thomas P. Ross: both bills are the same in principle.

Permit me here to acknowledge an error committed in not examining with sufficient care, the law that passed at the present session, for the relief of the representatives of Lemon Parker:

The fact of appointing a "commissioner," to make deeds to "town lots," (terms used in the law) conveyed to me the idea of a *public* transaction; but upon further information given me, I find that that, as well as the two now returned, was a *private* affair, and I have no doubt of that law being as unconstitutional as these two bills objected to, shall they become laws upon your reconsideration of them.

Most respectfully,
Your obedient servant,
DANIEL DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1835

From the Journal of the House of Representatives, p. 354

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 13, 1835.

To the House of Representatives:

Gentlemen—A bill, entitled "an act for the relief of the heirs of George McGirk deceased," was presented for my approval, on the 10th of the present month. The objection to the passage of this bill is the same, as to that entitled "an act for the benefit of the heirs of Thomas P. Ross deceased," which was returned with an objection, on the tenth of this month.—Permit me to refer you to the communication accompanying that bill, on its return, for my objection to the passage of this bill.

Most respectfully,
Your obedient servant,
DANIEL DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

MARCH 17, 1835

From the Journal of the House of Representatives, p. 527

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 17, 1835.

To the House of Representatives:

Gentlemen—A bill entitled: "An act for the benefit of the heirs of Benjamin Goodrich," was presented this day for

approval—As your house is fast reducing in the number of its members, I hasten, that it may not be more so before you reconsider this bill, to lay before you my objections to its passage.

If Benjamin Goodrich be dead, then the principle of this bill is the same as that "for the benefit of the heirs of Thomas P. Ross, deceased," the objections to which have been sustained: If said Goodrich be not dead, can the Legislature grant powers to James Goodrich to administer on his estate? If a man be dead to all civil purposes, from insanity or vagrancy, the courts can, under existing laws dispose of his children or estate; but if he be neither civilly nor naturally dead, can his property be taken from him without a judicial trial? I am of opinion it cannot, and therefore return this bill for your consideration.

Most respectfully,

DANIEL DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

MARCH 19, 1835

From the Journal of the Senate, p. 537

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 19, 1835.

To the House of Representatives:

Gentlemen—On yesterday I was presented with a bill for approval entitled: "An act for the relief of the heirs of Nancy Forest deceased."

I presume this bill was passed before the vote was taken, upon the reconsideration of the bill entitled:

"An act for the relief of the heirs of Thomas P. Ross deceased."

The last mentioned bill, had for its object, the appointment of a commissioner to convey land.—The object of the bill now under consideration, is to have lands partitioned and sold. The courts have the power to effect the object in both cases. The law entitled "an act for the partition of

lands," has amply provided for cases of the kind, of the one now presented.

For my objections to the passage of this bill, permit me to refer you to the communication, made on my return of the bill for the relief of the heirs of Thomas P. Ross, deceased.

I have the honor to be,
With the highest respect,
Your obedient servant,
DANIEL DUNKLIN.

SPECIAL MESSAGES

TO THE SENATE

NOVEMBER 27, 1832

From the Journal of the Senate, p. 50

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 27, 1832.

Sir—A resolution of the Senate, dated the 24th instant, requesting information "relative to the appointment of Commissioners to examine and survey the Missouri river and the upper Mississippi," has been received. There are no documents belonging to the Executive Department containing any information whatever on the subject of the foregoing resolution.

I have the honor to be,
Very respectfully,
your obedient servant,
DANIEL DUNKLIN.

LILBURN W. BOGGS, ESQ.
President of the Senate.

TO THE GENERAL ASSEMBLY

DECEMBER 15, 1832

From the Journal of the Senate, pp. 85-87

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 15, 1832.

To the General Assembly:

Gentlemen—Herewith you have communicated, resolutions from the States of Alabama, Conneticut, Delaware, Indiana, Massachusetts, Maine, Maryland, New Hampshire, Ohio, Tennessee and Vermont, forwarded by their respective Executives, to the Executive of this, with request, that the same be laid before the Legislature.

Among these resolutions are several relating to the powers of the General Government to adopt and execute a system of Internal Improvements. This is a question of great importance; and requires the special attention of the General Assembly of this State.

The reason why it is particularly proper for the General Assembly to act upon this subject, is not confined to the questionable character of the right of the General Government to prosecute such a system: (in such case it becomes the duty of all the States, as I humbly conceive, to express their several opinions.) By examining the third part of the sixth section of an act of Congress, "to authorize the people of Missouri Territory to form a Constitution and State Government, &c." and the third part of an ordinance, "declaring the assent of the people of the State of Missouri, &c.," it will be found that a fund has been provided, for this State to expend upon improvements within her limits. The Convention acting upon this authority, declared in the seventh article of the Constitution, "that Internal Improvements shall forever be encouraged by the Government of this State," and made it the duty of the General Assembly to ascertain by law, the proper objects of improvements.

If the General Government has the right, it becomes her duty, in the exercise of it, to run her system of improvement into every State. What must be the ultimate consequences of the General Government conducting a system of Internal Improvement within our limits? The right, (if it exists at all) is based upon the necessity and propriety of roads and canals to carry some of the delegated powers into execution. The next degree of necessity would be to levy a tax, in some shape or other, to pay for making and keeping these improvements in repair. The next would most probably be, to enact a code of laws, to enforce the system through all its ramifications; and ultimately to appoint as many federal officers as might be necessary to enforce the laws. When we arrive at this point, it will require no stretch of fancy to imagine some federal officer presenting himself at the post of some toll gate, exacting, under the authority

of his "*E Pluribus Unum*," such sum of money, from each individual going to mill or church, as may be prescribed by the central power. Let it not be supposed for a moment, that I would speak disrespectfully of the *legitimate* officers of the Federal Government. But the idea of paying tribute to another government for traveling upon our own soil, is not a subject for calm investigation. Under this view of the subject, it is for you to determine whether the State will ask the General Government to exercise this questionable right, or whether she will rely upon her own resources; and if the latter, whether it would be premature at this time to take the first steps, as far as relates to roads.

Another subject brought into view by these resolutions, is the extent of the judicial powers of the United Sta es—a grave subject of all absorbing interest.

With a preamble pointing to Georgia, Massachusetts has resolved, "That no state can rightfully enjoin upon the Executive officers, to disregard or resist by force any process or mandate which ma y be served upon it in such case, in due form of law, by authority of the courts of the United States."

The case here referred to is now at issue, and the *laws of Georgia* must be *nullified* by the Federal Court, or the mandate of the Court must be "disregarded" by the government of Georgia. Here the term "*nullification*" loses its by-word character, and assumes its proper garb, forced into use by a process of the Supreme Federal Court.

The nullifying power is so portentious in its consequences by whomsoever exercised, that when a case presents itself for action, it becomes the duty of every state in the Union to speak her sentiments. The State of Massachusetts has discharged her duty: she has given her opinion upon this subject, and however confident I may feel that she has thrown the weight of her authority into the wrong scale, the act itself is commendable. It is of the last importance to have questions *settled;* the first is to have them *wisely* settled; and should a majority of the States declare that the Federal Courts had no constitutional authority to nullify a law of the State, it is not to be presumed that these

courts would persist in their attempts to exercise this dangerous power. Let me ask if this state has *one single right* so soverign in its character as to be independent of the nullifying power of the Supreme Court? If she has, Massachusetts is in error, when she says—"No state can rightfully enjoin upon its executive officers to disregard or resist by force, any process or mandate which may be served upon it in such cases in due form of law by authority of the Courts of the United States."

The debatable point in this question, is the correct distinction between a case *never submitted* to the Constitution, and a case "*arising under*" the Constitution. Massachusetts contends, that the Georgia case is within the provision of the Federal Constitution; Georgia contends that such cases have never been submitted to any tribunal under that Constitution.

The time to act upon the subjects embraced in some of these resolutions, has passed by; it is considered, however, an act of courtesy due those States, to lay them before you.

After the Senate shall have acted on these resolutions, they will please forward them, with this communication,to the House of Representatives.

Most respectfully, your ob't serv't.,

DAN'L DUNKLIN.

TO THE GENERAL ASSEMBLY

DECEMBER 15, 1832

From the Jounal of the Senate, pp. 87-88

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 15, 1832.

To the General Assembly:

Gentlemen—On the sixth day of December, A. D. 1832, Thomas W. Conyers, who has been for some time acting as commissioner of the permanent seat of government, resigned said office.

Doubts exist on the mind of the Executive, whether, by a correct interpretation of the present laws, he has the power

to fill the vacancy, particularly when it happens during the session of the Legislature. It is therefore deemed advisable to refer the whole matter to the consideration of the Legislature, and to recomend the enactment of a law to create the office of "Commissioner of the permanent Seat of Government," and to point out the manner in which it shall be filled, as well when vacancies happen, as when the original appointment is made.

Very respectfully, your ob't, serv't.,

DAN'L. DUNKLIN.

TO THE SENATE

DECEMBER 22, 1832

From the Journal of the Senate, pp. 106-107

CITY OF JEFFERSON, EXECUTIVE DEPARTMENT, December 22, 1832.

To the Senate:

Gentlemen—Your resolution requesting "to inform the General Assembly if there be any error in the report which the Governor caused to be laid before it, containing an abstract of the census of the several counties in the State of Missouri for the year 1832, particularly as it regards the Counties of New Madrid and Perry" has been received.

The Executive is unable to inform the General Assembly whether error does or does not exist in the copy of the abstract referred to, in as much as that copy of the document is not in his possession.

Most respectfully, your ob't. serv't.

DAN'L. DUNKLIN.

TO THE SENATE

DECEMBER 28, 1832

From the Journal of the Senate, pp. 123-125

EXECUTIVE DEPARTMENT, JEFFERSON CITY, December 28, 1832.

To the Senate:

Gentlemen—Your resolution of 26th, accompanying the abstract of the census of this State, for the year 1832, re-

questing "to inform the Senate if there be any error in that abstract, particularly as it regards the counties of New Madrid and Perry," was received on yesterday.

As to the abstract itself, there is an error in the addition of the aggregate of white males, instead of 74,968, it ought to be 74,969, and the aggregate of white females ought to be 66,433 instead of 66,437; the total of white females, of "forty-five and upwards" ought to be 4,868, instead of 4,872. The total of free colored persons ought to be 682 instead of 677, and the grand total ought to be 173,866 (Chariton excepted) instead of 173,865. The total in Boone county is carried out wrong, it ought to be 9,931 instead of 9,921. In Cooper county the total ought to be 7,614 instead of 7,618. In Gasconade county it ought to be 2,135 instead of 2,136. And in St. Charles it ought to be 5,441 instead of 5,446. This answers the first branch of the enquiry.

As to the county of Perry, no error is discoverable. The sheriff of that county returned an abstract only, which agrees with the items in the general abstract. In the county of New Madrid the "aggregate of free white males" ought to be 1181 instead of 1881. The other items as regards this county are correct, as compared with the recapitulation made by the sheriff. But there is a small variation between the *items* forming that recapitulation and the *recapitulation* itself. The items make 1183 white males, 1048 white females, and 496 slaves, &c. The recapitulation make 1181 white males, 1036 white females, and 483 slaves, &c. The aggregate difference in New Madrid county made by the Sheriff is 27. This answers the other branch of the enquiry.

Upon the re-examination of one class of returns there appears to be some slight errors in recapitulations, to wit: In the county of Boone the number of slaves ought to be 2236 instead of 2246. In the county of Montgomery the number of slaves ought to be 876, instead of 870. In the county of Pike the number of white males from 10 to 18, ought to be 659 instead of 658, and the number from 18 to 21 ought to be 158 instead of 157, and the number of slaves

ought to be 1738 instead of 1740. In the county of Randolph the number of white females from 10 to 18, ought to be 324 instead of 314. In the county of St. Francois the number of white females under 10, ought to be 347, instead of 367, and the number of free colored persons ought to be 7 instead of 12, and the number of persons bound to service for a term of years ought to be 5 instead of 4.

I will take this occasion to remark that the Sheriffs in some of the counties, return *lists* of enumeration only. In other counties they return abstracts only. And in others they return the lists with a recapitulation subjoined. In the former cases the whole lists of enumeration had to be examined and corrected. In the latter cases when no error appeared in the recapitulation it was taken as correct, without going into an examination of all the items forming the recapitulation. In the other class of cases, no examination could be made, as the items forming the abstracts were withheld.

If further scrutiny into the *items* forming these several recapitulations, should be desired, permit me to refer you to the Secretary of States for the originals, by which you will discover great want of uniformity in the Sheriffs, and may shew the propriety of further legislation upon this subject.

I herewith return the abstract forwarded to me for inspection and am,

Most respectfully, your obedient servant,

DAN'L DUNKLIN.

TO THE GENERAL ASSEMBLY

JANUARY 1, 1833

From the Journal of the Senate, pp. 134-135

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 1, 1833.

To the General Assembly:

Gentlemen—Herewith you will receive "resolutions for more perfect organization of Militia," passed by the Legisla-

ture of Illinois, and by the Executive of that State, forwarded to the Executive of this, with a request that the same be laid before the Legislature thereof.

Most respectfully, your obedient servant,

DAN'L DUNKLIN.

TO THE GENERAL ASSEMBLY

JANUARY 12, 1833

From the Journal of the Senate, pp. 164-166

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 12, 1833.

To the General Assembly of Missouri:

Gentlemen—I have received from the Governor of South Carolina, documents containing the results of the deliberations of the Convention recently held in that State, for the purpose of nullifying the tariff laws of the United States. I have now the honor, in compliance with request of the Governor of South Carolina, to lay these documents before you.

As was anticipated, this State is called to act upon the doctrine to which reference was made in the address communicated to you on my induction into office.

Your action upon the question presented by these documents, will, I presume, depend upon the opinion you entertain of the rights and duties of the States. If you believe that the General Government is the sole expositor of the extent of her own powers, then no more will be necessary than to declare the readiness of this State to acquiesce in all her expositions of these powers. But if, on the other hand, you believe that the States have reserved *any* rights which they can exercise independently of the General Government, then, as I humbly conceive, it becomes your duty as the representatives of the people of this State, to express an opinion on the momentous question presented in these documents.

The variety of ways in which it has been used, and the many different ideas it has been made to signify, renders a

proper understanding of the *term nullification*, indispensable in discussing this subject. Is it nullification to disregard a process or mandate of the Courts of the United States? If it be, then I am in favor of it; because it may be the only mode of checking the spirit of encroachment by which that department of the federal government is sometimes impelled. Is it nullification for a State to protect her reserved rights against the usurpations of the Federal Government? If it be, then cases may arise to justify it—a State can have no rights complete without it—in vain may the States boast of their *rights*, if denied this *remedy*. Or does nullification mean the right of a single state at pleasure to make void and to arrest the progress of a law of Congress within her limits, because Congress has abused her powers? If this be the true meaning of the term, then nullification is an evil in our political system, little less in magnitude than consolidation; this would destroy our liberties, that, the peace and harmony of our country.

The case of South Carolina, properly analyzed, presents the following questions: are the present tariff laws confined in their objects to raising revenue? Manifestly not. Is it wise as a national measure in levying duties to go beyond the object of revenue for the purpose of protecting manufacturers? This would be doubtful even if every section of the Union was situated to share the benefits equally. Is it justice to those States which have no manufactories to levy higher duties on foreign products, than required for revenue, in order to benefit manufacturers? I am clearly of the opinion it is not. Then let it be conceded, that these laws of which South Carolina complains are *unwise and unjust*, are they such a *palpable infraction* on the part of Congress as to justify a State in nullifying them? In my opinion, most certainly not. Neither *doubtful infraction* nor *abuse palpable* will justify nullification, Infraction, PALPABLE, only can justify it. South Carolina may ask who shall decide when this exists? Certainly not herself alone. The decision of *less* than a majority concerned is proof of the want of palpability.

It appears to me, that South Carolina in her late proceedings is wrong: first as to the fact of the law being unconstitutional; but if right in this, then she is premature in her measures of redress. It has never been questioned, nor indeed can it be, that Congress has the power to levy impost duties. The power may be abused, and I am of the opinion it has been. But if every abuse of power by Congress should be encountered by nullifying edicts of a State, our federal system would not be worth preservation.

The conduct of South Carolina in regard to the tariff laws, does not comport with that of Virginia in '98 and '99, from whom she assumes to have borrowed her doctrines. Virginia, though justly aroused at the alarming infraction of the Constitution by the enactment of the alien and sedition laws, did not nullify—She appealed to her sister States and called upon them to co-operate with her in resisting the strides of usurpation by the Federal Government. Time was given them "to reason together," to see if *reason* would not "combat the error," and "arrest the progress of the evil."—The appeal proved successful. The Federal Government was brought back to its republican track. What is the conduct of South Carolina?—She first nullifies the objectionable laws of Congress, and afterwards calls upon her sister States to justify and sustain her in the act. If this be a proper remedy for the violation of the Constitution, the wise framers of our system of government were deceived, and instead of a Union, permanent and solid, they have transmitted to us a bond of connection which may be dissolved at pleasure, by every State in the confederacy.

In the investigation of this subject, we should not let our dislike to the modern doctrine of nullification, carry us into the opposite extreme.—The two extremes of our system are *nullification* and *consolidation*.—While we condemn nullification as practiced by South Carolina, let us not precipitate ourselves into the vortex of Consolidation. The States have reserved rights which must be preserved from violation by the Federal Government. Those who deny

the right of a State to interpose in *any* case and under *any* circumstances, would change the features of our system and render it a consolidated government. Those who maintain that the General Government cannot control the States in the exercise of their reserved rights, would uphold our government, and preserve it in the genius and the spirit with which it was instituted.

In conclusion, gentlemen, permit me to express my deep conviction of the importance of maintaining the distinction between the *abuse of a delegated power*, and the violation of a *reserved state right*. The correction of the former is a change in those employed to administer the affairs of the Federal Government; the preservation of the latter, belongs to the States. Upon the correct observance of this distinction, rests, in my humble opinion, the safety of the rights of the States, and the preservation of the Union.

Most respectfully, your obedient servant,

DAN'L DUNKLIN.

TO THE GENERAL ASSEMBLY

FEBRUARY 2, 1833

From the Journal of the Senate, p. 218

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 2, 1833.

To the General Assembly of the State of Missouri:

Gentlemen—Herewith I have the honor to transmit to you, two sets of resolutions, passed in the General Assembly of Georgia, one on the subject of *Internal Improvements;* the other on the subject of a *Federal Convention.* Also,

Resolutions passed in the Legislature of Pennsylvania, "relative to the Union of the States, and the Constitution of the United States."

To the subject embraced by the first mentioned, of the Georgia Resolutions, your attention has already been called. To the second—Amendments of the Constitution of the United States—permit me to suggest, that, from the

importance of the subject, it is well worthy your serious and profound consideration.

When the Senate shall have acted upon these documents, please forward them to the House of Representatives. Most respectfully, your obedient servant,

DAN'L DUNKLIN.

TO THE GENERAL ASSEMBLY

FEBRUARY 9, 1833

From the Journal of the House of Representatives, p. 301

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 9, 1833.

To the General Assembly:

Gentlemen—I herewith communicate a resolution of the general court of the State of New Hampshire upon the subject of the proclamation and veto of the President of the United States. Also, resolutions of the Legislature of the State of South Carolina on the subject of calling a federal convention. Also,

Resolutions of the Legislature of the State of Indiana on the subject of the President's Proclamation and the ordinance of South Carolina.

Most Respectfully,
Your obedient serv't,
DANL. DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 1834

From the Journal of the House of Representatives, p. 57

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 21, 1834.

To the House of Representatives:

Gentlemen—Your resolution requiring the Governor to communicate to your house any information he may possess, in relation to the publication of the amendments proposed to the constitution of this state, at the last session of the General Assembly, was received on yesterday, in compliance

with which I have the honor to inform you that, in proper time, the respective editors of newspapers in this state, were requested to publish these amendments according to the request of the last Legislature. The best evidence that they were published in the papers as requested, will be found in the office of the Auditor of Public accounts, whose duty it is to be satisfied of that fact, before the claims of pay for publishing can be allowed.

With the highest respect,
Your obedient servant,
DANIEL DUNKLIN.

TO THE SENATE

NOVEMBER 27, 1834

From the Journal of the Senate, p. 66

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 27, 1834.

To the Senate of Missouri:

Gentlemen—Your resolution calling on the Executive for a copy of the correspondence with the Secretary of War, on the subject of the establishment of a depot of arms on the Missouri and Mississippi rivers has been received, and in compliance with which I enclose you copies of the whole correspondence on that subject.

I have the honor to be
With the highest respect,
Your obedient servant,
DANIEL DUNKLIN.

TO THE GENERAL ASSEMBLY

NOVEMBER 27, 1834

From the Journal of the House of Representatives, p. 91

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 27, 1834.

To the General Assembly of the State of Missouri:

Gentlemen—The Governor being authorized and required by the 8th section of an act, entitled "an act, supple-

mental to the several acts, to organize, govern and discipline the militia," approved January 14th, 1833; upon the reception of satisfactory information to cause to be removed, out of the limits of this state, any band of Indians found roaming or hunting within the limits of any settlements in any county, I did in conformity to such requisition, being satisfied that there were bands of Indians, violating the provisions of said law, issue an order to the Sheriffs of Randolph, Ray, Chariton, Clinton and Carroll counties, directing each of them, to summon a sufficient posse, and proceed to the points in their respective counties, where any Indians were found hunting in bands, and remove all such as were violating the provisions of the law, out of the limits of this State.

The Sheriffs of Chariton, Ray, and Clinton Counties, in accordance with the order, proceeded to the discharge of the duties required: and have made returns of their proceedings, which are herewith transmitted to the general assembly for their action: and it is respectfully suggested, that provision be made to pay them, and the men ordered out by them, such an amount as they are entitled to, for the services which they have rendered.

Most respectfully,

DANIEL DUNKLIN.

TO THE GENERAL ASSEMBLY

NOVEMBER 28, 1834

From the Journal of the House of Representatives, p. 90

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 28, 1834.

To the General Assembly of Missouri:

Gentlemen—I have the honor of laying before you, the report of the commissioners, appointed, under a joint resolution of the last General Assembly, to form a system of primary school instruction. Two of the gentlemen composing the board, Joseph Hertich and John J. Lowry, Esquires, met at this place, previous to the meeting of the

general assembly, and in conjunction with Abel Rathbone Corbin, Esquire, who was appointed to fill a vacancy in the board, occasioned by the resignation of Philip Cole, Esquire, have drawn up the interesting report transmitted; and which is respectfully recommended to your profound consideration.

As it is scarcely possible, that a subject of more vital importance to our free institutions, can be brought before the general Assembly: the lively hope may well be cherished, that it will not fail to receive that deliberation, of which it is so eminently deserving, all other topics, of whatever moment, lose in importance, when brought into comparison with this.—And if the members of the general assembly are inspired with a laudable ambition of being distinguished, above all that have preceded them, should they be desirous of handing down their names to posterity, as public benefactors, let them establish a system of primary schools, calculated in its provisions, not only to meet the present necessities and condition of the country, but one susceptible of an extension, adequate to the future exigencies of the State.

As by the resolution, authorizing the appointment of these commissioners, no provision was made for remunerating them for expenses necessarily incurred, and for the time devoted to the elaborate investigation which they have made of the subject, the propriety of providing a suitable compensation, is respectfully suggested.

I have the honor to be, with the highest respect, your ob't servant, DANIEL DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 1834

From the Journal of the House of Representatives, p. 71

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 19, 1834.

To the House of Representatives, General Assembly of Missouri:

Gentlemen—Conformably to a resolution passed by your body, calling for "any information" in my possession,

relative to the late disturbances in Jackson county, I have the honor of submitting to the House a newspaper containing a publication of the proceedings of a large portion of the citizens of that county in July, 1833; also petitions and affidavits of the respective parties, with copies of my response to each, also copies of such portions of the correspondence with the Judge and prosecuting attorney of that circuit, and the Attorney-General, as are not considered of a private and confidential nature, including an order to Capt. D. R. Atchison, who was commanded to protect the court and States witnesses, and his report thereon.

In addition I communicate copies of the whole correspondence, and proceedings, in relation to the military conduct of Lieut. Col. Pitcher. I was at some loss to determine, whether the resolution embraced, in its object, the military proceedings, growing out of those disturbances; but as your resolution, in calling for information, does not distinguish, between the civil and military proceedings, I have concluded to give the whole with the exception of the kind above mentioned.

Most Respectfully,
Your obedient servant,
DANIEL DUNKLIN.

TO THE SENATE

JANUARY 14, 1835

From the Journal of the Senate, pp. 167-168

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 14, 1835.

To the Senate:

Gentlemen—The resolution passed by your body, requesting "the Executive to communicate to the Senate his views on the best mode of investing the school fund," has been received and would have been attended to at an earlier period, but for the consideration, that previously to the receipt of your resolution, notice had been given in the other branch of the Legislature, that a bill would be

submitted for the purpose of incorporating a banking company. Should a company of that kind be chartered, and the principles of the institution be such as to render the stock profitable and the community safe from imposition, it would afford a place for investing the literary funds. I feel myself constrained, in respect to the Senate, no longer to withhold my views on this subject, for the purpose of awaiting the issue of the bill alluded to.

"The best mode of investing the school fund,"—safety and profits being both properly considered,—is, in my opinion, to charter a bank of discount and deposit, and extend to it the usual privileges of dealing in money—except making it—and direct that all the literary funds be vested in stock.

The first enquiry to be made, preparatory to the incorporation of such a company, will be, the profits that may be reasonably expected from such an institution. Should you be of the opinion, that stock would not net five per centum, which is as much as stock is generally worth, it would be unwise to create such an institution. But from all the information within my reach, (and that furnished by the United States Bank, I adopt as a criterion,) there can be no doubt but that such an institution would realize more than five per cent. From the great amount of exchange business and the comparatively small amount of currency business, done by the Bank of the United States, it is conclusively shown that dealing in bills of exchange is, by the directors of that institution, considered more profitable, than issuing notes for circulation.

A Bank of the kind suggested would, no doubt, be made the depository of a large portion of the revenue of this State, and of that part of the Federal revenue disbursed here, which at this time is largely upwards of half a million of dollars annually. About $300,000 of this sum are collected in this state; the balance is sent here from other states. The great disproportion between the sum collected and the sum disbursed in this state by the federal government, makes it an eligible point for a monied

institution, limited in the amount of capital and properly restricted in the use of it.

Were I to anticipate the establishment of a bank, with the privilege of issuing notes for circulation, and undertake to suggest any details for its charter, it would, no doubt, be considered as departing from the question presented by your resolution. But as I am aware that the opinion, prevails to a considerable extent and in a quarter entitled to great respect that money will become scarce on winding up the concerns of the Bank of the United States, and that an effort will be made to supply the supposed vacuum with paper money of our own state, I hope I shall be indulged in offering one suggestion.

Although nothing is clearer to my mind, than that the equivalent which must necessarily be given for every note withdrawn from circulation, will keep the *quantity* of money still the same; yet should you think proper to charter a banking company, and grant it the privilege of making and issuing notes for circulation, permit me to urge the propriety of making stockholders responsible, in their individual capacities, for the redemption of the notes they issue. With such a provision no constitutional objection can, I imagine, be urged against the institution. But since the quality of being made a "legal tender in payment of debts" has ceased to be the characteristic of bills of credit, it may well be questioned whether there is any other available distinction between them and legal notes, than the one suggested.

Should the measure recommended be adopted, the propriety will readily suggest itself of making provisions for repaying the sums borrowed by the state of the Saline and Seminary funds. I am persuaded, that stock in an institution of this kind, if properly guarded and judiciously managed, will yield greater profits than the interest of those loans now produce. Justice then to the cause of education requires that the whole of these funds should be vested in stock as early as possible.

Whatever description of monied institution you may

think proper to establish, as a place for investing the literary funds, allow me to suggest the propriety of appropriating to the cause of education, all the profits accruing to the state, and that a board of school commissioners be instructed, and that it be made their duty to manage and distribute the profits, according to such rules as you may think proper to prescribe. Most Respectfully,

Your obedient servant,

DANIEL DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 1835

From the Journal of the House of Representatives, pp. 366-368

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 17, 1835.

To the House of Representatives:

Gentlemen—Your resolution of the 13th of this month, requesting the Executive to lay before you, "a detailed statement, of his views and opinions, for the better management and disbursement of the township school funds, and also, his views as to the best mode of increasing said funds, and the organization of school districts to which the same shall be appropriated," was received on the day of its date.

It gives me great pleasure in having an opportunity of giving to the Legislature, a statement of my views in detail upon this subject, without appearing to assume that, which might seem more appropriately, the duty of others.

From a resolution adopted at the last session of the General Assembly, I had supposed that something on the subject of Education, would be done at the present session, consequently, my attention has, within the last two years, been frequently turned towards that important subject, and could I now contribute towards establishing a System of Education in this State, it would give me more pleasure, than any other act of my administration.

I may attach more importance to this subject, than it deserves; for I do, most conscientiously believe that the time is nearer at hand, than many are aware of, when the

American People, will have to decide, whether they will qualify themselves for self Government, or whether they will be governed by an Oligarchy. But suppose I am wrong in this, and the advantages of education is individual and confined to those persons who may receive it, still there is an obligation to give it legal encouragement.

If the delinquent parent was the sufferer, then I would say, let him bear the consequence, resulting from his own ignorance and folly, but such is not the effect of his delinquency, the innocent Child is the victim of its parents' cupidity or negligence.

Those remarks are not made, for the purpose of convincing the legislature, of the propriety of giving legal encouragement to education; a favorable disposition towards that subject has already been manifested in each branch of the General Assembly.—But they are made in explanation of the particularity with which I am about to detail my views, which I shall do in a bill herewith communicated, entitled "a bill to regulate the sale of the sixteenth sections and to provide for organizing, regulating and perpetuating common schools."

The course I have considered will shorten your labors, and, in all probability, secure the subject a consideration that it might not otherwise receive at this late period of the session.

The bill is intended as a revision of all the laws in this state, on the subject of common schools, introducing some new provisions, and leaving out a few of those at present existing. And being desirous of having the bill as perfect as possible, I have sought out and obtained the aid of several legal gentlemen, and among them, the Attorney-General.

I communicate also, for your consideration "A bill for the managing of the seminary and saline funds," one section of which provides for a contribution to the primary school funds, consequently falling within the range of your resolution.

And as schools cannot be taught in towns and villages, as low as they can in the country, I have deemed it most

expedient to provide in a separate bill for a fund of three thousand dollars to be raised in those districts in which a county seat of justice, or an incorporated town is situated.

The taxable property in this state, in the year 1833, was valued at nearly twenty millions of dollars, the polls were about twenty thousand that year.—This makes an average of one thousand dollars worth of property to each man paying a poll tax.—All those who own property of a less value than one thousand dollars, are not taxed for it in this bill, they will have but twelve and a half cents to pay; those who own that amount of property, will have to pay thirty-seven and a half cents; and those owning ten thousand dollars worth, will have to pay two dollars and sixty-two and a half cents a year; and so on progressively, until the school funds in the county amounts to twenty-four hundred dollars, in each incorporate school district, which may be accomplished, according to the provisions of this bill in twenty years. And while those funds are thus accumulating, schools can be taught in all the districts six months in a year, and in many of them twelve months.

Is there, Gentlemen, any who can object to these taxes, small as they are, or of the justice of the mode of levying them? Those who may do so, will certainly subject themselves, to the imputation of being opposed to the establishment of any system of education by legal provisions.

The bill now submitted is not just such as I would wish, but when all things are properly considered, it is the best, probably, that would at this time meet with public approbation; and without such approbation, this, as all other measures, must fail.

The people expect something to be done by this General Assembly to promote primary school instruction, and I am already of the opinion that they will cordially sustain any judiciously devised plan, by which that most desirable object can be effected.

Most Respectfully,
Your obedient servant,
DANIEL DUNKLIN.

TO THE HOUSE OF REPRESENTATIVES

MARCH 7, 1835

From the Journal of the House of Representatives, p. 455

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 7, 1835.

To the House of Representatives:

Gentlemen—I have received your resolution of the twenty-fourth of the past month, requesting me to inform you of the number of commissioned and non-commissioned officers of the militia of this State.

There is nothing in this department by which I can ascertain the number of non-commissioned officers appointed in this State.

For the purpose of giving an exact statement of the number of the militia officers in commission in this State, I addressed a note immediately on the receipt of your resolution, to the Secretary of State, and on this morning received the enclosed, which I herewith have the honor to communicate in reply to your resolution.

Most Respectfully,

Your obedient servant,

DANIEL DUNKLIN.

PROCLAMATION

ON THE SALE OF SEMINARY LANDS

APRIL 27, 1833

From the Missouri Intelligencer, June 29, 1833

By virtue of an act entitled, "An act to revive an act entitled an act, to provide for the sale of the Seminary Lands," approved December the thirty-first, eighteen hundred and thirty, I do hereby give notice, that the sale of the unsold Seminary Lands, situate and lying within the U. States' Western Land District in this State, will commence and be held at the town of INDEPENDENCE, in the County of Jackson, on the first Monday of October, 1833.

And the sale of the lands situate and lying in the United States' Salt River Land District, will commence and be held at the town of PALMYRA, in the County of Marion, on the first Monday of November, 1833.

And the sale of the lands situate in the Cape Girardeau Land District, will commence and be held at the town of BENTON, in the County of Scott, on the first Monday of December, 1833.

The said sales in each of the Districts aforesaid, will continue from day to day for ten days, unless the said lands shall be sooner disposed of.

The lands will be sold to the highest bidder for cash, and no land will be sold at a less price than one dollar and twenty-five cents per acre.

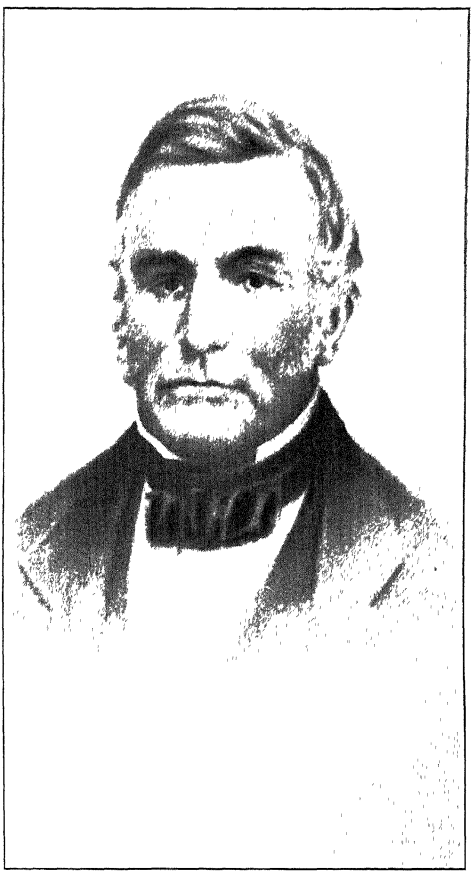
In Testimony Whereof, I have hereunto set my hand, and caused the Great Seal of the State to be affixed. Done at the City of Jefferson, (SEAL) April 27th, in the year of our Lord 1833, of the Independence of the United States the fifty-seventh, and of the State of Missouri the thirteenth.

DANIEL DUNKLIN.

By the Governor

WILLIAM SCOTT, Secretary of State, *pro tempore.*

GOVERNOR LILBURN W. BOGGS



LILBURN W. BOGGS
Governor 1836-1840

LILBURN W. BOGGS

BY

WILLIAM SOUTHERN, JR.

In the year that Thomas Jefferson died there landed from a Missouri river packet at the point in Jackson County now known as Sibley, a young man from Kentucky. At that time he was 34 years of age and he had already crowded into his life enough thrills and adventures to fill a volume. His name was Lilburn W. Boggs. Fort Sibley was almost the western point of civilization and was the first settlement in Jackson county. Here was a government reservation and General John C. Sibley was commandant. The United States had made a treaty with the Osage Indians and secured a title to a tract of land at the fort six miles square. At the time this is written, 1922, this section is still known as "Six Mile" and includes some of the finest farms in Missouri.

Lilburn W. Boggs was born in Kentucky in 1792. Of pioneer stock, of the breed of Kentuckians who could not tolerate a neighbor within a day's ride, he soon left his home for adventure and to seek his fortune. He ran away from home and volunteered for the war of 1812. Before leaving Kentucky he had heard the wonderful stories of the new territory called Missouri, a land flowing with milk and wild honey, the paradise for game, where the Indians were brave and offered a fighting man a gamble for his life. To Missouri came young Boggs, already a veteran of one war.

St. Louis was a line of wood houses along the Missouri river in 1816, a frontier town, the center of the fur trade. Strong men were those who lived at St. Louis and to this point came Lilburn W. Boggs. Three years later he was made cashier of the Bank of St. Louis, the first bank opened in Missouri. The fire of adventure was in his veins and to stand behind a bank counter suited him not. He dabbled in the fur trade and traveled and dealt in furs in St. Charles, in Cooper and Franklin counties, and landed in 1826 in Jackson county territory.

Jackson county was organized in 1826 soon after Boggs had become a citizen. When the first county court was organized and Independence selected as the county seat, Lilburn W. Boggs was already one of the prominent citizens. He was appointed the first county clerk of Jackson county and the old records show the name of Lilburn W. Boggs as purchasing agent. The first purchase he made for the county was an account book bought at Liberty for which he charged the county $3.50. In his handwriting is the oldest record of Jackson county still to be seen in the clerk's office at Independence. He wrote the story of the letting of the contract for the first county court house in Independence, built of logs at a cost of $150.00. In his writing is the story of the auction sale of lots at the county seat where one of the items of expense of the auction was a barrel of whiskey which sat near the auctioneer with tin cups inviting libations of the buyers and onlookers.

Lilburn W. Boggs was then sent to the Legislature for several terms and became well known throughout the State. He was elected Lieutenant Governor in 1832 and became Governor when Governor Dunklin resigned and in 1836 ran as a Democrat for the position of chief executive of the state. His opponent was Wm. H. Ashby, a Whig, who had served in Congress. The vote was Boggs 14,815, Ashby 13,942.

Of his service as Governor there is little record. He presided at the laying of the cornerstone of the State Capitol building which was burned and replaced by the magnificent building now overlooking the Missouri river on the same site. The outstanding history of his four years as Governor was the so-called Mormon war. Citizens of Caldwell and Ray counties appealed to Governor Boggs for help. In hysterical letters they represented that their lives were in danger from the Mormons and that their towns would be sacked and burned unless help was sent. Governor Boggs called out the militia, authorized the organization of armed forces and sent an army into the field under General Alexander W. Doniphan and General Chas. D. Lucas. Doni-

phan at one time refused to obey the Governor and returned with his brigade to Liberty.

After his term in the office of Governor, Boggs moved to Independence and lived on South Spring street a few blocks from the public square. One evening he was sitting in the front room reading. His wife was preparing the evening meal, his children playing about the house. Suddenly a shot from the yard splintered the glass of the window and Governor Boggs fell to the floor with a shattered skull. Seven large buckshot had entered his head, brains and blood were dripping from the awful wound. The screams of his family brought the neighbors. Judge Samuel H. Woodson gathered the wounded man in his arms and placed him upon his bed. The pistol was found outside the window, a heavy weapon of German make which chambered four large buckshot. The marks of seventeen balls were traced. A brother of the stricken man lived in Westport, a physician, and he nursed him back to life. He is said to have remarked that "Lilburn had more sense after he lost part of his brains than before," but this was probably the pride of the physician who has won an impossible case. The ex-governor was afterward elected to the State Senate and it is said that while sitting in his chair in the senate rooms he was siezed by a fit of coughing and held his hand to his mouth. Withdrawing his hand he found in it one of the bullets fired at him by the assassin years before.

The attempt to assassinate Governor Boggs was at once laid at the door of the Mormons. Joseph Smith was arrested at his home in Illinois. A habeas corpus proceeding was heard by the Federal court and one historian described the trial with this story. "As soon as the judge took his seat upon the bench, and the court was formally opened by the marshal, Judge Pope called the case. The room was crowded and in the audience were many beautiful women beautifully dressed. Judge Butterfield, counsel for the defense and one of the distinguished lawyers of his day rose and said 'May it please the court, I am counsel for the prisoner and I appear on the present occasion under some

embarrassment. I am now called upon to defend the Prophet of the Lord before the Pope in the presence of angels,' and he waved his hand toward the ladies present." Joseph Smith was released by Judge Pope. Afterward a man was arrested as the assassin, escaped from jail and no one was ever punished for the deed.

At the age of fifty-four, after a lifetime of adventure, which included high honors in his adopted State, Governor Boggs was not content to retire from active life and from adventure. In 1846 he left Missouri and made his way to California where he lived for fourteen years. The spirit of adventure was still upon him and he sought new fields. In California he was appointed alcalde of the northern district of California. In a letter written a few years ago his son, William Boggs, then 83 years old and a resident of California, wrote of his father:

"Having held various public offices for about 30 years it was his intention after settling in California, to retire from public life, but at the urgent call of the U. S. Military Governor, General Bennett W. Riley, during the establishing of law and order at the close of the war with Mexico, he was induced to accept the office of alcalde of the Northern District of California—an important position, having jurisdiction over all the territory of Northern California extending to the Oregon line, including Sutters Fort and the Sacramento Valley and around to the coast, including all the territory north of the bay. All his official acts and his private business were conducted at Sonoma, the only town then north of the bay, being the home and headquarters of General Marino Guadalupe Vallejo, Commandant General of upper California, whose authority ceased at the close of the war with Mexico."

It is a curious thing that there are practically no official records of the life of Lilburn W. Boggs. The State records at Jefferson City were destroyed by fire and the records of his official life in California were also burned. I have gathered the story as written, from paragraphs here and there, the meager stories in the various histories of Missouri, from newspaper clippings in the Kansas City library, the old records of Jackson county, and from letters of his son from California.

Governor Boggs died in California in 1860 and his body lies in the soil of the State to which he gave his last and most pleasant official service.

FIRST BIENNIAL MESSAGE

NOVEMBER 22, 1836

From the Journal of the Senate, pp. 15-31

Fellow-Citizens of the Senate, and of the House of Representatives:

In consequence of the resignation of that highly esteemed and valued public officer, the late Governor of Missouri, which took place on the thirtieth of September last, the functions of the Executive since that period have devolved on me by virtue of my office as Lieutenant Governor of the State. As such it becomes my duty to present to you a view of the condition of the affairs of the State, and to recommend to your consideration such measures as may be deemed necessary to promote our prosperity and happiness.

Being so recently called upon to administer the Government, many things may escape my attention, as well in relation to those that have occurred since the last session of the General Assembly, as to those matters that should be specially presented for your deliberation.

Our State continues rapidly to advance in population; the tide of emigration which has been flowing westward, brings with it an increased and increasing accession of wealth, intelligence, and virtue, and Missouri bids fair, at no distant period, to hold an exalted rank among her sisters of the confederacy. The value of every species of property has been greatly enhanced; our farmers have reaped bountiful crops; labor of every description commands a high price, and the blessings of health have been enjoyed by our population to an unexampled degree; whilst peace and plenty reign throughout our borders. With the finest lands for agriculture, and our great mineral resources, it needs only an enterprise commensurate with such advantages, to make us a rich and happy people. For these accumulated blessings we cannot fail to express our grati-

tude, and trust that the efforts of judicious legislation may co-operate in extending and rendering beneficial the gifts of a bounteous Providence. Allow me here to say, that the prosperity of our own State is not the only cause for congratulation; the condition of the citizens of our sister States, is greatly advancing in wealth and improvements; and in this happy state of affairs, is to be seen the effect of an untiring zeal on the part of the present worthy Chief Magistrate of the Union; one who has devoted a long life to the service of his country, both civil and military; whose stern virtue, honest heart, and wise head, have been conducting our federal government to its present elevated and enviable height. We have been, during his administration, struck with wonder and astonishment at the rapidity with which one grand stroke of public policy was succeeded by another; we have barely had time to express our approbation of one great measure, before it was followed by another and another in such rapid succession that the brilliancy of the last seemed to shed a lustre on those which preceded it. He is shortly to retire from that station which he has filled with so much credit to himself and honor to his country; let us indulge the hope, that his mantle will descend upon his successor, and our federal government be advanced, step by step, until it reaches the summit of human wisdom.

The fiscal affairs of the State, will in proper time be laid before you, by the Auditor of Public Accounts and State Treasurer according to their respective duties; by which you will find the amount of revenue paid into the Treasury during the two fiscal years ending the 30th September 1836, was $134,189.32, and the expenditures for the same time were $136,013.56, being an excess of expenditures over that of receipts of $1,824.24. In the amount of expenditures however are included $8,333.33, for building jail and penitentiary and the further sum of $6,413.89 appropriated by special acts of the last General Assembly to which may be added $25,000, for the pay of the last General Assembly a sum over the ordinary expenses of that body. Deducting these sums from the amount of the expenditures,

it will leave a balance in favor of the receipts of the last two fiscal years of $37,921.93.

The State debt on the 1st of October 1834, was $48,-526.11, of which $25,621.31, including principal and interest were owing, to the Seminary fund; the balance of $22,904.80 being due the Saline fund. Since which time there have been borrowed of the Seminary fund under the authority of law $10,000, and likewise the further sum of $23,113.07, under an act of the General Assembly, approved 16th March 1835. This makes the amount of the State debt on the 1st of October 1836, $87,819.90, including interest $7,897.45 on the amount due the Seminary fund. Deducting from this amount, owing by the State, the sum of $33,159.75, the balance of revenue in the Treasury on the 1st October 1836, it will show the amount of the State debt on that day to be $54,659.32.

In reference to the fiscal concerns of the State for the two years ending the 30th September, 1838, it may be safely calculated that the receipts of revenue for the first year will be $68,000 and for the second year $75,000, which with the sum in the treasury on the 1st of October 1836, will make $176,159.75. Deducting from this the probable ordinary expenses of Government for the same time which may be estimated at $103,000, there will be in the treasury on that day $73,159.75.

The amount of the State debt on the 1st of October 1838, provided the State retains the amount borrowed of the Seminary and Saline funds, and does not create any additional loans, will be $94,661.08; from which if the balance of revenue, estimated to be in the treasury on that day, be deducted, it will show that the State will be owing at that period only $21,501.33.

These calculations are made upon the supposition that no change will be made in the present revenue law—But should a change be effected in the present mode of assessing property for taxation, so that all taxable property could be estimated at its fair value, it is believed that the state debt would be entirely liquidated in the next two years, provided

that no extraordinary expense be incurred during that time. To effect so desirable an object as the uniform valuation of all taxable property, in the different counties, at a fair price, is a consideration of the highest importance. An inspection of the tax book forwarded to the Auditor's office will show the greatest inequality in the valuation of taxable property, particularly land.—In some counties, lands of the same quality are valued fifty or one hundred per cent. higher than in other counties. In some cases lands that would sell readily at $10 per acre are valued at $1.50 or $2.00 per acre. This is unjust and shows that there is something radically wrong in the system or in its execution, and should be remedied. I would suggest, if the present system is continued, that the assessor be required to swear every person owning taxable property, both as to the amount and value, estimated at what could be got for it in cash; and that the court should not allow his account for assessing without his making oath that he had strictly complied with the law in the discharge of his duties. Should any person owning property refuse to qualify according to law, let the assessor be required to value the same, making the price of like property in the neighborhood his standard. Other modes of remedying this evil, preferable to the one I have suggested, may present themselves to you, in adopting which, you may calculate on my hearty concurrence. Should such a law be devised and rigidly enforced, there can be but little doubt that the revenue of the State would be increased 20 per cent., besides which, is of much more importance, equalizing the valuation of property.

From the view presented in the foregoing statement it will appear that the fiscal concerns of the State are in a prosperous condition, and only need the aid of some just and equitable law to insure the equalization of the valuation of property to relieve the State of all her debts in the course of the next two years.

From the report of the Warden of the Penitentiary, which will in due time be laid before you, you will discover that the expenses of that institution for the two past years,

exclusive of the appropriations for building the same and the Warden's salary have amounted to the sum of $1,433.84. The amount of labor done by the convicts is estimated at six hundred and thirty-six dollars and fifty-nine cents, and the worth of the articles on hand belonging to the institution is estimated at $544, leaving a balance against the institution of two hundred and fifty-three dollars and twenty-five cents.

Permit me to recommend the several suggestions contained in this report to your consideration, and that the necessary provisions be made by law to carry them into effect, especially in relation to the employment of the convicts, and the compensation of overseers and guards. By the provisions of an act of the last General Assembly, the Auditor of Public Accounts, the State Treasurer and the Attorney-General were made ex-officio inspectors of the penitentiary. The legislature could not have intended this arrangement as a permanent one. I am inclined to believe that when they reflect upon the inconveniences that may attend its continuance, they will not hesitate to repeal the provisions referred to, and in lieu thereof, provide for the appointment and compensation of suitable and competent persons, as inspectors, other than officers of the government. To assist you in your deliberations on the subject of the penitentiary system, our state library will afford you the opportunity to avail yourselves of the experience of all the states of the union, that have adopted this system of punishment.

I consider it proper to call your attention to the situation of the public buildings, at the seat of government. For some years past, it has been viewed as doubtful whether it would be permitted to remain at its first permanent location, as made under the provisions of the constitution. That doubt seems for the present and many years to come, to be put to rest. The natural inquiry then is, what shall be done by you in relation to it, consistent with the interest of the State? Many other recommendations might be made, but I will submit only a few, of those most prominent.

The first is not of a local character, but is one that must necessarily tend to the general advantage and interest of the community. The house now used by the General Assembly as a place for their deliberations, particularly that part used as the hall of the House of Representatives is too contracted to afford even the comfort necessary to the preservation of the health of the members or the accommodation requisite to a proper discharge of their duties, much less to afford the people an opportunity of witnessing the proceedings of their representatives. The constitution requires that the doors of each house should be kept open, except in cases which may require secrecy.

The arrangement of the hall of the House of Representatives in consequence of its contracted size, affords so small a space for the accommodation of spectators that it may be considered as virtually legislating with closed doors. It is therefore recommended as expedient and proper, that an appropriation be made for the purpose of building a house for your deliberations. In addition to the fact that the present house is now too small for the number of members, it is expected that the number will be increased by the organization of new counties at your present session, and in all probability by the apportionment of representation. I will remark in addition, as to the necessity of such a building, that the offices of Secretary of State and Auditor of Public Accounts, together with the state Library, are now under the roof of the building occupied as a state house, and are far from being safe, for at no point of time, can it be said that they are secure from fire, by accident or otherwise. Should you authorize the building of a State House, it is recommended that it be fire proof and contain the necessary accommodations for all the public offices of the state required to be kept at the seat of government. In the event of your determining to do so, it would perhaps be necessary for you to take some steps for the disposition of the house now used by you, the proceeds of which if sold, might be placed in aid of the erection of such building. It is also submitted whether it would not be better to dispose

of the house used as the residence of the Governor and appropriate the proceeds to the erection of another, at some, at present, more eligible point, less public and the grounds more extensive than those now afforded adjacent to the present building; this property, it is thought, will sell for a much greater sum than it originally cost, and another might be erected on public lots that would answer better for the residence of a family.

In consequence of the increased demand for lots in the city of Jefferson, I would recommend a provision by law for the further sales of them; and it is submitted whether it would not be advantageous, that the proceeds of such sales should be appropriated to the improvement of the streets immediately adjacent to, and surrounding the public property; that there is a necessity for such improvement is evident, and your attention is therefore particularly called to that subject. If there should be a surplus, after making such improvements it might be appropriated to assist in the improvement of other streets leading to the public buildings, or appropriated towards the erection of a state house.

The offices of warden of the penitentiary and commissioner of the permanent seat of government are now consolidated in that of the former; and the duties incongruous and in many particulars arduous, cannot be performed well by the same person. It is therefore recommended, that you make a provision for the appointment of a commissioner of the seat of government with an adequate salary. This will be rendered the more necessary should you determine it proper to erect a state house.

The incorporation of a Banking Company is at this time a subject of engrossing importance. Though monied monopolies may justly be regarded as anti-rebublican in their spirit and tendency it may yet be reasonably doubted whether they are not so interwoven with the business and interests of the people, as to render their immediate abandonment productive of great inconvenience, if not totally impracticable. No one can be more deeply impressed than

myself, with the necessity of enlarging the basis of our specie circulation, so that it may constitute a very large proportion of the entire currency of the country. Much more can be effected to promote this desirable end by the action of the General Government, than by any policy which the states may see fit to adopt. The immense revenue which is constantly flowing into the federal treasury, through the land offices and custom houses, enables it to wield a powerful influence in determining the character of our circulative medium. But to ensure the entire success of the plan, it is necessary that the states should co-operate in the great work, and it will be for those who favor this policy to determine whether it will be better promoted by the establishment of a State bank, than by depending on the issues of foreign corporations, not amenable to our laws, nor subject to any regulations and restrictions which our Legislature might desire to impose. It is obvious that we cannot return, unaided by legislation, to a pure specie currency; we must depend on the notes of foreign banks, and those notes will continue to form a large proportion of our circulating medium. Might we not then be better enabled to guard this currency against depreciation, and to promote the important object, which seems to be the policy of the present administration of our federal government; of increasing the amount of specie and causing all the minor monied transactions of society to be performed with gold and silver, by the establishment of a sound, well restricted and specie paying State Bank? This interesting question, it is for the wisdom of the assembled Representatives of the people to determine. I am sensible that there are difficulties which embarrass either course which you may think proper to adopt. It is certainly highly important that any bank which may be established should possess the confidence of the people; that there is a great prejudice among many well informed citizens against any and every species of paper money, is also true. It will therefore be extremely desirable, that the charter of the bank should be so framed as to conciliate the good opinion of all classes of society.

The liability of the institution may be so fixed as effectually to prevent any loss to the holders of its notes, and at the same time such a course could be given to its direction and management, as to secure the entire confidence of the community at large.

I would therefore recommend the establishment of a State Bank, with a capital to the extent allowed by the constitution, and, that the net profit which may accrue to the State should be applied to the payment of the current expenses of its government so as to relieve the people from taxation. To enable the State to procure the necessary capital, let scrip be issued, redeemable at her option, at any time after twenty, and not exceeding fifty years, and bearing an interest not above five per cent., which scrip can be taken by the bank and disposed of for the benefit of the State, at such times and in such portions as the exigencies of the bank may require. In addition to this, the portion of the surplus revenue of the General Government, which, by an act passed at the last session of Congress, is now subject to the disposal of this State, together with the Seminary and Saline funds, might be advantageously invested in the same way. The restrictions which it would be necessary to insert in its charter, in order to render the institution safe, and at the same time make it an agent in promoting the prosperity of our citizens and increasing the facilities of our commerce, will readily suggest themselves to the wisdom of the Legislature. Allow me to suggest the propriety of restricting it in the denomination of its notes to none less than $10, and after a limited time to bills of the denomination of $20; such a provision will be in accordance with the almost universal feeling of the citizens of both of this and the other states, who are in favor of a hard money currency, for all the minor and ordinary transactions of business. It will insure to the farmer and mechanic a just reward for his labor, and will infuse a healthful vigor into all the larger operations of the commercial community. The states of Massachusetts and Maine, of New York, New Jersey and Ohio, and doubtless, several others whose enactments have

not come under my observation, have already adopted this wise policy, and the efforts of the Executive of the federal government have been exerted to effect the same desirable end. It will also be proper to fix some limit to the proportion which the issues of the bank should bear to the amount of capital actually paid in. It is true that the ratio between the issues of the bank and the amount of her capital, can have no influence on the solvency of the institution, for the bank must necessarily receive an amount of value equal to that which she loans, whether that value consists in negotiable notes, or notes secured by landed property, the bank is equally safe, without an entire failure of both principal and endorser. But as the credit of a bank must mainly depend on the readiness which it exhibits at all times to redeem its notes, that promptness will be very much facilitated by prohibiting the issue of more than twice the amount of its capital actually paid in, or three times the amount of specie or available funds on hand. The propriety of inserting some provision in the charter, should any be granted, to fix this limit within reasonable bounds, is therefore respectfully suggested. A provision in the charter requiring the bank to loan to the State, whenever called on by the proper authorities, any sum not exceeding five millions of dollars, at such times and in such portions as it may be needed, at an interest of five per cent. per annum, is respectfully submitted, with a view of enabling the State to aid her citizens in the prosecution of such objects of internal improvement as may be calculated to promote the general welfare. It would become necessary in the event of your establishing a bank, to adopt measures to prevent within our limits the circulation of all bank notes of a less denomination than those issued by the bank incorporated by you; the tide of emigration is in our favor, and as the notes of the State Bank of Missouri would be equal to gold and silver at home, they would be sought after in other states by those who intend emigrating to this, and by foreigners who come here for the purpose of purchasing our produce. Arrangements can easily be made with eastern banks for authority

to draw checks or post notes upon them, by which the bank could accommodate the merchants of the country with light money at a small advance.

Our constitution provides that there shall be but one banking company incorporated within the limits of our State, and but one branch of said bank can be established at any one session of the General Assembly. But I imagine there is nothing to prevent the establishment of agencies of the same, at such points within our borders as the Legislature may deem necessary. The principal office of discount and deposit should be located at St. Louis, with capital sufficient to answer the demands of that portion of the community, and agencies established at such other points as the public convenience may require, in order that the necessary banking facilities may be afforded to the different portions of the State, carefully limiting the number within reasonable bounds.

I feel it my duty to call your attention to the subject of the establishment of bank agencies within our limits by banks incorporated and acting under the authority of two of our sister States. The establishment within our limits of such agencies, for banking purposes by banks deriving all their power and authority from other States, is unwarranted by any statute or constitutional law of this State or of the United States, and in defiance of the wishes of a great body of the people. I would therefore recommend, in addition to the entire prohibition of the circulation of their notes within our limits, such penal enactments as will, in the most summary manner, rid us of the evil; they should not be permitted within our borders to perform any of the functions of banking institutions, neither in loaning money or dealing in bills of exchange; such remedies as will be most likely to produce the desired effect, it will be your part to provide. As to the powers of the Legislature to provide the necessary remedies, I presume there is no doubt.

The policy and utility of internal improvements by the States, remain no longer a matter of speculation. The experiment has been tested, and the results have been

flattering beyond the most sanguine hopes of its friends and advocates. So recent is the adoption of this sytem, that we all recollect when it was a subject of doubt, whether the state governments possessed the ability of prosecuting it successfully; yet, in the space of a few years, we see several of them multiplying roads and canals without number; we see the unexampled impulse given to agriculture and commerce, and we are made to wonder how much has been accomplished within so short a period. If we would apply the incentive to industry—if we would give life and vigor to agriculture and commerce—if we would cheapen transportation, facilitate intercourse, and place our State upon the vantage ground now occupied by some of the other States, we must adopt a system of internal improvements. The adoption of every policy or system must have a beginning, and it appears to me that *now* is a suitable time for us to commence; and the sooner we begin, the sooner shall we be in the enjoyment of the advantages resulting from them; the sooner will be developed those resources which nature has so bountifully lavished upon us. Our State being bounded on one side by the Mississippi, with the Missouri river running through her centre, and their various tributaries penetrating every section, the construction of canals would add but little to our interest or convenience, whilst rail roads, which cost considerably less, would not only shorten and cheapen transportation, but render it less hazardous. Should you concur with me in the propriety of now adopting a permanent system of internal improvements, by the construction of rail roads, it will be for you to select among the various routes in contemplation, or adopt any other which you may think would conduce more to the general good.

I will present, for your consideration, such routes for the location of rail roads as are deemed of greatest public utility.

FIRST. A route commencing at, or near, the western boundary line, on the south side of the Missouri river, passing through the intermediate counties to Boonville, and to the

City of Jefferson, thence through the mineral region, to terminate at some point on the Mississippi river, below where that stream is usually blocked with ice; and in the direction of the most direct practicable route to the contemplated rail road from Charleston, South Carolina, to Cincinnati, Ohio.

SECONDLY. A route commencing at, or near our western boundary, on the north side of the Missouri river, passing through the several counties bordering on or adjacent to the same, to Fayette, from thence to St. Charles, and the city of St. Louis to Potosi, intersecting the first mentioned route at the latter place.

THIRDLY. A route from some prominent point in the northern part of our State, passing through the rich country of Salt River, crossing the route which runs parallel with the Missouri river on the north side and intersecting that on the south, at the City of Jefferson.

These three principal routes, intersecting each other at various points, form a complete chain of communication to almost every portion of the State; and present great advantages to our citizens, by affording them access to the southern markets, at a season of the year when all our natural channels are locked up; connecting, at the same time, the most distant portions of our State, as well as those still more contiguous with the city of St. Louis, the great commercial emporium of our State,whose rapid growth in improvements, population, wealth and commerce, bids fair, at no distant period, not only to outstrip any of the cities on our western waters, but to rival those of our Atlantic borders.

It is highly important in the location of routes, that the points of commencement and termination within our own borders, should be convenient to other great works of a similar character, now in progress or in contemplation by other States, in order to multiply the number of our outlets, and create additional competition for our surplus productions. Should our citizens ever find it to their interest to divert a portion of their trade from the south to the north, a rail road, at a very small cost, could be constructed from

St. Charles to a point on the Mississippi river, opposite the mouth of the Illinois, a distance not exceeding nine or ten miles, so as to connect our railways with the contemplated canal, uniting the Illinois river with the southern bend of Lake Michigan, opening a direct communication by the way of the northern lakes and the Erie canal to the city of New York.

In connection with this subject, I would recommend as a preliminary measure, and one of great importance to the future interests of this State, the propriety of memorializing Congress for the right of way for our rail roads through the Public Lands, and for a grant of alternate sections of land on the route of such rail roads as may be established by law within our limits, and where such lands may have been otherwise disposed of, then a quantity equivalent to alternate sections, to be selected as nearly contiguous to the road as practicable. The General Government has heretofore granted to the States of Ohio, Indiana, and Illinois large quantities of public lands for similar purposes; a portion of those lands have been disposed of at high prices, and there is no doubt entertained, that the funds arising from their sales will eventually be sufficient to pay the whole cost of the several public works in aid of which they were granted. There is no good reason why the same justice may not be extended to Missouri, and doubtless will be, if applied for. The United States would lose nothing by making such grant, for the establishment of rail-ways and the consequent improvement of the country produced thereby, would enhance the remainder of all the public lands within the vicinity of the road to quadruple their present value. Estimating the number of miles of rail roads according to the proposed routes (which are contemplated as only the commencement of the system) to be about eight hundred in a direct line, the quantity of land, should Congress consent to so much of the foregoing proposition as relates to those particular routes, would be eight hundred sections, or something upwards of five hundred thousand acres, about the same quantity that was granted to Ohio

for similar purposes; a quantity sufficient, if properly managed, to go very far towards refunding the amount that may be expended in their construction.

If the General Government should extend the grants of alternate sections of land to all railways that may be established within our limits, (which I think it greatly to her interest to do), lateral branches may then be extended from the principal stems to every county in the State, and as the country through which those branches would pass, contains a greater portion of Public Land than that through which the principal routes extend, we may with safety calculate that the average value of the land on such routes would amount to a sum sufficient to refund the whole cost of the work. If however, the proceeds arising from the sales of the lands would only be sufficient to pay the interest on the money used in their construction, even that itself would be a "a consummation most devoutly to be wished" and affords a strong argument in favor of taking the necessary steps with as little delay as possible towards procuring the assent of Congress to the object in contemplation. Application should also be made to Congress for a remission of the duties on all iron rails, or machinery which may be imported from abroad for the use of the rail-ways within our limits. Congress in no instance within my knowledge, have ever refused remitting such duties when applied for.

Whether a system of internal improvements by this State be adopted as an independent one, or in conjunction with individual enterprise, still the means of construction not being in our possession, we shall be constrained to resort to a loan; other states have done so, and found it a profitable investment, and there is no good reason why we may not obtain in the same way the means necessary, and make the investment profitable to us. But the establishment of a State Bank, with the capital allowed by the constitution, will, it is thought, afford ample means, not only for commercial purposes, but will enable us to prosecute a system of internal improvements commensurate with our wants.

Education is a subject of abiding interest to the people of this country and demands the fostering aid of the legislature. By the adoption of a general and diffusive system, by placing the means of education within the reach of all; our invaluable institutions may be preserved and transmitted to the remotest posterity—without it all is in danger of being eventually lost. The institution established by the patriotism, and hallowed by the blood of our forefathers must soon degenerate into anarchy, misrule and despotism. Notwithstanding all acknowledge the importance of education, yet but little has been done to advance the cause in our state. It therefore devolves on you, as the representatives of the whole people, to adopt and put in motion such a plan as will meet their necessities. In adopting a system, you have before you the experience of several of our sister states, who now have in successful operation, different systems of common schools, which are more dependent on legislative aid than seminaries; for we have a fund, derived from the sale of the land acquired from the general government, by this state, for the establishment of a seminary, which if judiciously applied, will go very far towards effecting the object of the grant.

A memorial was sometime since passed by the General Assembly, addressed to the Congress of the United States, praying the annexation of all the territory lying on the north side of the Missouri river, and west of the present boundary of the state, and bounded on the north by the present northern boundary line, as established by the constitution, when the same is continued in a right line west to the Missouri river, embracing what is commonly known as the Platte country. It was afterwards proposed to amend the constitution, so as to cause the boundaries of the state to conform to this proposition, when the assent of congress should be obtained; and the constitution was accordingly so amended.

Congress at their last session passed an act granting to Missouri her request, upon condition that the claim to those lands could be procured from the Indians by the U.

States. The executive has not been officially informed of the result of the efforts of the authorized agents of the Federal Government in relation to the extinguishment of the Indian title to those lands; but from sources not be to questioned, he is satisfied that a treaty to that effect has been made, and that the wishes of Missouri in relation to this subject, will be fully realized at the approaching session of Congress.

It will be remembered by you that an act was passed by the last General Assembly "to ascertain the northern and southern boundary line of this State," and authorized the appointment of two commissioners and one skilful surveyor to ascertain, survey and establish the north boundary line. In pursuance of this authority two commissioners were appointed, who have always been ready and anxious to discharge the duties required by law. A surveyor was also appointed by and with the consent of the Senate, and a commission made out and forwarded to him. The gentleman thus appointed and commissioned declined accepting. The executive then appointed and commissioned another gentleman, who also declined to accept. Congress about the period of the last appointment, or shortly thereafter, took up the subject of the annexation of the territory above referred to, when the then executive considered it expedient to suspend all further efforts to have that line run, until some further action could be had thereon through the General Assembly. It is therefore recommended that the act referred to, as having been passed at the last session, be continued in force, and amended so as to cause the line to be run to the Missouri river, as called for in the recent amendment of the constitution, and to increase the compensation of the surveyor, as a skilful one cannot be procured for the price allowed by said act. The propriety of requesting congress to appoint a commissioner or commissioners, to co-operate with those appointed by this State, is respectfully submitted; and as the approaching session of congress must terminate in the first part of March next, it would perhaps be well

that your attention should be turned to this subject in the early part of your present session, that it may be brought to the notice of Congress: at an early day.

In relation to the southern boundary line, a surveyor was appointed according to the provision made, and a commission forwarded to him, which he declined accepting. Another was then appointed and commissioned, who accepted the office, and entered upon the discharge of his duties, and who will, I presume, in due time, lay before you the result of his labors.

The sittings of the supreme court of our state being at four different points may be considered disadvantageous to the interest of the community, not only in relation to the augmentation of the expense of office rent and of transmitting the decisions of the court to the Attorney General, who is, by law made the reporter and is required to reside at the seat of government, but especially in relation to the opportunities afforded the court in making up their decisions. With the exception of St. Louis, it is believed that the court is not afforded an opportunity of consulting, extensively authorities bearing upon the particular points presented for their consideration. A patient and thorough investigation of every case is of great importance. Under the present arrangement, the greater portion of the time of our Judges, spent in their districts, is consumed in riding from one court to another. This time expended in investigating cases, examining authorities and perfecting their decisions, might be of immense advantage by giving a more wholesome and lucid interpretation of the laws of the land. The constitution provides "that the General Assembly may at any time thereafter direct by law, that the 'supreme court' shall be held at one place only. The convention seem by this provision, to have anticipated a time, when the interest and welfare of the state would be promoted by consolidating said court at one particular point.

The time seems to have arrived when various reasons urge the expediency of adopting this measure. If the

sittings of that court were only held at one place, and that where they would have the advantage of a good library for reference, there certainly would be a greater uniformity in their decisions. No inconvenience would result to parties, jurors, or witnesses, from this arrangement. Parties seldom ever do and they are never required to attend the supreme court. The only questions to be decided, are questions of law, and consequently no jury is required. The evidence is saved by bills of exceptions, which are transmitted to the court with the record of the proceedings in the case, and consequently no witnesses are summoned to attend. Our State Library has already become respectable, and will in a few years, under the system adopted for its increase, be the largest in the State. It is therefore submitted whether it would not be better to concentrate the sittings of the supreme court at the Seat of Government, where there will be always an opportunity afforded the judges of consulting the elementary works of law and books of practice, together with the decisions of the federal judiciary, and of the courts of dernier resort of our sister states. By a resolution of the last General Assembly, it was directed that one set of the decisions of our supreme court should be sent to each of our sister states, which has been done, and Connecticut has already responded the courtesy by sending the decisions of her courts. The decisions of some other of the states had been before transmitted.—In the event of the states reciprocating and exchanging their decisions, our library will be exceedingly valuable (independent of the increase of standard works) under our present annual expenditure.

Permit me to call your attention to the subject of the organization of the several judicial circuits. The county of St. Louis probably furnishes a greater amount of criminal business than the balance of the State, and a proportionate amount of civil business. The civil and criminal business of that county united are sufficient to engross the whole time and attention of any one judge. It should

therefore alone constitute a judicial circuit. The anticipated enlargement of our territory and the probable formation of new counties at your present session will doubtless require the establishment of an additional circuit or circuits. The territory about to be attached to the state on the west, added to three or four of the adjoining counties, would be amply sufficient in extent to form one circuit; but a short time will elapse after this country shall have become a part of the State, before it will be filled with people; indeed every portion of our State is populating so rapidly that new counties will be continually demanded; hence the propriety of making the arrangement of the several circuits as nearly permanent as possible, so as to obviate the necessity of re-organizing them at every session of the general assembly. It would also be desirable that they should be so formed as to preclude the necessity in any one of them crossing the Missouri river.

I herewith transmit to you a memorial from the grand jury of the county of St. Louis: the subject of that memorial will apply with peculiar force to the judges both of the supreme and circuit courts.—Your attention is directed to the subject as one which calls for legislative interposition.

The militia, has since the last session of the General Assembly, been re-organized, and an additional Division created, and a hope is now entertained, that in the course of the approaching year, full returns of the strength of each Division will be had. Your attention however, is called to the subject for the purpose, of examination in relation to the present mode of reporting the strength of each company; and it is submitted whether it would not be better to require the commanding officer of each company to make the returns of the strength of his company, at his first annual company parade, directly to the commanders of the regiment, and that the commanders of the regiment, should embody those returns into one, and report the same to the Brigadier General at an early day thereafter; making it the duty of the Brigadier General

then to report to the Adjutant General at the seat of Government, and also to the Commanding General of his division. Such a provision in the law is necessary in order to ascertain the strength of the militia, it being important to our State, that she should receive her quota of arms from the United States, under the general apportionment made for that purpose.

A letter from the Secretary of the Treasury of the United States under date of the 27th June last, inviting the attention of the Executive of this State to the subject of the surplus revenue, is herewith communicated "The time and manner of acting in the matter," belong exclusively to the Legislature, as the Executive of of himself can do nothing in receiving or rejecting the money thus allotted to the state. According to the provisions of the act of Congress the alternative is left with the state either to accept or reject the proposition. If we reject that portion of money set apart for us, it will then be deposited with such of the other states as may agree to receive it on the terms proposed. Believing that Congress at their approaching session will take the necessary steps to reduce the revenue to the actual wants of the government, to prevent, if possible in future the accumulation of so great a surplus in the treasury: thereby doing away any occasion hereafter of resorting to such a species of legislation having so baneful an influence on the relations which ought to exist between the states and the federal government. I do not hesitate, under all the circumstances to recommend to the Legislature to make the necessary provisions by law, authorizing the treasurer of the state to receive on deposit from the authorities of the general government, that portion of the federal revenue which may be allotted to this state; and to empower him to receipt for the same; and to enter into such obligations on the part of the state as the act of Congress in relation to the subject prescribes.

Public documents on various subjects from several of our sister states are herewith transmitted. They will of course receive from you that attention, which is due to

the importance of the several subjects and to the high sources from which they have emanated. The reports of five several boards of road commissioners, are also transmitted.

At the last session of Congress there was an additional regiment of dragoons authorized to be raised for the protection of the frontier; which, together with an appropriation of $14,000 for the establishment of an arsenal on the Missouri river, near our boundary line, will tend much to tranquilize the fears of our border citizens; and, I may add, that from the disposition evinced on the part of the Federal Government, ample provision will be made from time to time, to secure those citizens in the enjoyment of their lives and property. It was anticipated that as the various tribes of Indians removed, were to be located adjacent to our frontier, a force and protection would be afforded sufficient to repel and allay any hostilities that might arise; and in this, our utmost expectations and wishes have been, and will no doubt, be fully realized.

A provision has also been made by Congress for constructing a military road from the right bank of the Mississippi river, at some point between the mouth of the St. Peters and the mouth of the Des Moines, to Red river; it is provided that the road shall pass west of the States of Missouri and Arkansas, if the assent of the Indian tribes, which had not theretofore been given, and through whose territory the road might pass, should be first obtained; and in the event of not obtaining such assent, then the road to be run east of the western boundaries of the States named. The advantages to be derived from the surveying and opening such road, will be very great, particularly as affording a facility in the transportation of troops used in the protection of the frontier; and as it is contemplated and provided by the act of Congress, that military posts, at the discretion of the President of the United States, shall be constructed, all communication necessary to be kept up along the said road, may be safely calculated on.

It is proper for me here to state, that by an act of Con-

gress, the President of the United States was authorized to have ten thousand volunteers raised for the purpose of aiding, in the event of its becoming necessary the protection of the frontiers of the United States. A request was made to the Governor of this State to have one thousand volunteers (privates) raised, and to be officered according to the acts of Congress governing such cases. The number required have been partly raised, and the returns of the remainder are daily expected. From the chivalric spirit of our citizens, no doubt is entertained that a larger number, if necessary, can be at any time had, to aid in the discharge of so important an object as the protection of our frontier inhabitants.

To show further that the arm of the Federal Government, so far as it can be constitutionally done, is designed to be extended to western interests, I will state, that an appropriation has been recently made for the improvement of the Missouri and Mississippi rivers, above the mouth of the Ohio. Such indications of extending to Missouri what her interests so much require, must meet the cordial acquiesence of, and afford much satisfaction to her citizens.

There are, however, two subjects in relation to our federal intercommunication and protection, that I think require your especial attention. One is the extension of the Cumberland Road to our seat of Government, and thence to our western boundary. When it is considered that immense sums of money flow into the federal treasury from the sales of the public lands within our State, it seems peculiarly proper that we should ask of Congress an application of at least a portion of those funds, in aid of this road within our own borders.

The other subject, to which I call your attention, is our Sante Fe trade. By acts of Congress in relation to reshipping goods from the United States, upon which a tariff has been paid, a debenture is allowed at all sea-port towns; but in relation to our traders by land to Sante Fe, no such drawback is allowed. I believe no distinction

should exist, whether such goods are exported by land or by water. I therefore submit for your consideration, the propriety of again memorializing Congress upon the subject, and asking for the establishment of a port of entry and a custom house, at some point near our western boundary line, and for the allowance of the debenture on all foreign goods exported from the United States by land to any of the Mexican States or provinces. This would be placing all of our citizens upon an equal footing, which should be done by the government whenever it is practicable to do so.

The public lands of the general government within our State, which remain undisposed of, form a subject to which it may not be improper to invite the attention of the Legislature, inasmuch as some of the most substantial reasons why the price of those lands has not been reduced now no longer exist. The fact that the national debt (to the payment of which the public lands were pledged) is now discharged, and the present fiscal resources of the national treasury are much more than equal to the necessities of the government, and that they produce a surplus fund, which it is extremely difficult for Congress to dispose of on terms which are satisfactory, authorize the expression of the wish of the people, through their Representatives, in the form of a memorial to Congress on the subject, in behalf of the actual settlers of the country. The true wealth and strength of a country consists in the number of the industrious cultivators of its soil; they are the main support of the Government in time of peace, and its defenders in war, on whom alone we can with safety depend for the preservation of those inestimable rights and privileges which we now enjoy, and which were purchased at the expense of the best blood of the Revolution. It is to this class of our citizens, the actual settlers, the hardy yeomanry of the land, that the fostering hand of Government should be extended; the public lands should be disposed of to them on the easiest terms; permanent pre-emption rights should be granted, and every facility afforded of procuring homes

for themselves and families. I therefore recommend that the Legislature memorialize Congress on the subject, and request from the General Government such a course in the premises as her financial relations appear to authorize, and the interest of the people of this State imperiously require.

Having now placed before you, in conformity with my duty, the several subjects which I have considered necessary and proper towards advancing the general good, permit me, in conclusion, to indulge the hope, that the errors, if any I may have committed in the discharge of this important trust, will not be attributed to a want of zeal, on my part, for the promotion of the public interest. I sincerely trust that you may eminently succeed in all your endeavors to advance the moral, intellectual, and physical condition of the people, and that your labors may redound to their permanent benefit. That such may be the result, let us supplicate the aid of that Being, whose Almighty power controls and governs the Universe.

LILBURN W. BOGGS.

NOVEMBER 22, 1836.

INAUGURAL ADDRESS

NOVEMBER 23, 1836

From the Journal of the Senate, pp. 34-36

Fellow-Citizens of the Senate, and of the House of Representatives:

It becomes my duty to place before you a brief outline of those principles by which I shall be guided in the discharge of the highly responsible trust, which the partiality of my fellow-citizens has assigned to me. In performing this customary duty, allow me to tender to you and our common constituents, my unfeigned acknowledgments for the distinguished honor they have been pleased to confer on me. Be assured, that no exertions shall be spared, on my part, to make the best return in my power, for this gratifying mark of their confidence, by a zealous and diligent devotion to such duties as are constitutionally assigned to the Executive.

To maintain a just economy in the administration of the government, to promote the cause of science, and more especially the general diffusion of elementary knowledge, by whatever means may properly come within the scope of legislative action, and to promote the improvement of our State, by aiding her commercial facilities, are, in my estimation, objects of primary importance, and will, I doubt not, occupy a large portion of your deliberations. Our state is yet in her infancy; but embracing an extent of territory exceeding that of any other, with a soil of surpassing fertility and rich in mineral productions—situated in a climate which, with all its varieties, is comparatively mild and genial. Our march is destined to be onward. Under a government of equal laws, which afford a like protection to the poor and the rich, the humble and the powerful, our citizens will be enabled to profit by the blessings which Providence has so liberally bestowed, and will exert all their energies to the improvement of their

moral and physical condition. Enjoying these accumulated advantages, it needs only the co-operation of wise and judicious legislation, to ensure the rapid increase of our wealth and prosperity.

The laws which constitute the rule of action for every citizen, which regulate their contracts, and effect the various relations of society, have necessarily a very powerful influence in promoting or retarding the prosperity of the state. You have convened, gentlemen, at an interesting period of our existence. At the last session of the Legislature, an entire revision of our statute laws was effected, and various material alterations were made. The lapse of two years will, doubtless, have enabled you to bring the confirmed voice of public opinion on the merits of the code, and to adapt its provisions more completely to the wants and wishes of the people. By this means any errors which haste or inadvertance may have left in the Statute Book, can be corrected, and the valuable work of your predecessors rendered more perfect.

The subject of our currency is also one which at this time attracts considerable interest. The propriety of chartering a State Bank is a question which has been much agitated among the people, and will, no doubt, receive a considerable portion of your attention. That there is a great diversity of opinion on this subject, not only in relation to the policy of establishing a bank, but also among the friends of such institution in regard to the details of the charter which should be granted, is, I believe, very generally conceded. It is, therefore, the more desirable that our policy on this important question may be fixed and known. It is time that a definite expression of the public will should be made, and with you will rest the decision whether Missouri will continue to rely for her currency on such notes as may be furnished by the banks of her sister states, or will adopt the banking system herself: That decision, whatever it may be, whether for or against chartering a bank, will, I doubt not, be satisfactory, as the voice of a majority of the people.

My own views on this subject I will not trouble you by reiterating; they were expressed in my circular addressed to the people of Missouri previous to the late elections, and in the message which I had the honor to transmit to the Legislature as acting Governor. I will only repeat my desire to co-operate with you in the establishment of a State bank. Such a one as will be strictly guarded against those abuses to which experience unfortunately proves all banking companies are more or less liable.

Connected with the subject of our currency, are the equally interesting and more important subjects of internal improvements and education. I am not one of those who believe that everything can be effected in the attainment of either of these desirable ends by mere legislative enactments, apart from the powerful influence of public sentiment, yet I cannot but think that legislation will do much towards creating and accelerating the impulse, which public spirit and individual enterprise may enlarge and carry out to its full extent.

It is believed that the time has arrived when some decisive measures should be adopted for the commencement, at least of such systems for the improvement of our moral and physical condition, as would be consistent with our available resources. If the establishment of a bank could be made subservient to either of these objects, it would certainly find favor with many who would not be disposed to support it on other grounds. I entertain not a doubt but that this end may be attained, and that the State will be thereby enabled greatly to contribute towards the construction of such works of improvement as may be thought most likely to prove beneficial and useful.

For the purpose of education a fund has already been provided. The action of the federal Government, in appropriating land for the use of schools in each township, and "for a seminary of learning," evidently contemplates the encouragement of both systems; whilst, therefore, I am decidedly in favor of the encouragement and extension of common schools, whereby their advantages may be

rendered accessible to the humblest citizen, I should disregard the intentions of Congress, were I to omit to recommend the adoption of measures for the endowment of a State University, or in the language of the grant; "a seminary of learning." All must admit the advantages of such an institution within the State, where the higher branches of literature can be taught. It commends itself not merely from the consideration that the money expended in the education of our sons is retained within the State, but it begets and fosters in them an attachment for her institutions, which is cherished through all time and under all circumstances, and will form the best security for the permanence of our civil and religious liberties.

In whatever measures you may devise for the attainment of either of these or of other valuable ends, I will most cheerfully co-operate.

LILBURN W. BOGGS.

NOVEMBER 23, 1836.

SECOND BIENNIAL MESSAGE

NOVEMBER 20, 1838

From the Journal of the Senate, pp. 13-28

Fellow-Citizens of the Senate, and of the House of Representatives:

In greeting you upon your assembling at the seat of Government, for the purpose of discharging the high trust confided to you by the people of Missouri, permit me to congratulate you, upon the prosperous condition of our State, and of the Union at large.

Whilst most of our sister States have been temporarily embarrassed with pecuniary difficulties, which are happily removed by the enterprise and industry of their citizens, and the boundless resources of the country, and whilst some of them have unfortunately experienced the present season, a failure in their crops to an unusual extent; our State has been almost entirely exempt from the former, and has been abundantly blessed in its agricultural and commercial pursuits.

With the exception of a recent intestine commotion, caused by a most extraordinary fanaticism, but which has been suppressed by the prompt and vigorous interference of the law, there has nothing occurred since the adjournment of the last General Assembly, to materially interrupt the general prosperity of the State. For blessings so numerous our most devout gratitude is due to a kind and beneficent Providence.

The fiscal concerns of the State will, in due time, be laid before you by the Auditor of Public Accounts and State Treasurer, from which you will see that the amount received into the State Treasury, during the last two fiscal years, ending the 30th September, 1838, was $147,209 94-100, on account of revenue. The amount expended out of that sum for the same time, was $140,384 82-100,

being an excess of receipts over the ordinary expenses of Government of $6,825 12-00, which sum added to the amount of revenue in the Treasury on the first day of October, 1836, will make the sum of $39,984 87-100, remaining in the Treasury on the 1st day of October, 1838, belonging to revenue, to which add the sum of $17,295 77-100, received from other sources, as appears by the Auditor's statement, will make the balance in the Treasury, from all sources, on the first day of October, 1838, the sum of $58,280 65-100.

Under the present rate of taxation, it is estimated that the amount which will be received into the Treasury, during the next two fiscal years, applicable to the payment of the ordinary expenses of the Government, will be one hundred and seventy-two thousand dollars. Adding to which, the amount of revenue in the Treasury on the 1st of October, 1838, makes the sum of $211,984 87-100, from which deduct the probable ordinary expenses of the Government, for the same length of time, estimated at $160,000.00, will leave in the Treasury, on the 1st day of October, 1840, the sum of $51,984 87-100.

The State debt on the 1st day of October, consisted of the bonds of the State issued in payment of Bank Stock—the three instalments of the surplus revenue, deposited with the State by the General Government and the bonds of the State issued on account of the loan for building the Capitol; making in the whole, the sum of one million three hundred and ninety-seven thousand one hundred and ninety-one dollars and forty-eight cents.—From which deduct the amount of the Bank Stock held for the use of the State, and the amount invested on account of common schools, making $1,257,560 21-100, leaves the actual State debt, on the 1st day of October, 1838, the sum of $139,631 27-100, to which add the sum of twenty-thousand dollars of bonds, issued on account of the Capitol loan since the 1st of October, 1838, makes the State debt, up to this time, one hundred and fifty-nine thousand six hundred and thirty-one dollars and twenty-seven cents—which sum consists of the debt which

the State owed to the Seminary and Saline funds, and the loan for building the Capitol.

In consequence of the death of John Walker, late Treasurer of the State, it will become necessary for the Legislature, during the first week of its session, to cause settlement to be made of his accounts with the State.—This will necessarily have to be done before a final settlement of the Treasury can be effected. The present Treasurer can only report to the Legislature and be held accountable for the amount of monies transferred to him by the administrator of the former Treasurer, at the time he entered upon the duties of his office, and for the receipts and disbursements of the Treasury since that period.

The report of the Warden of the Penitentiary will show the condition of that institution. The number of convicts at present confined within its walls, is forty-six, and exceeds the number of cells prepared for their solitary confinement; and as the mode of punishment prescribed by law, is solitary confinement with labor, you will at once see the necessity of providing for the erection of additional cells, or of changing the mode of punishment. By the original plan, in building this institution, it was contemplated to have three buildings within the outer walls, as prisons for the confinement of the convicts, to contain forty cells each. Only one of these prisons has been erected. It is thought that an additional building of like description, will be amply sufficient until the meeting of the next General Assembly, when provision can be made for a further extension if necessary. In the erection of another prison, a few brick-masons will have to be employed to put up the walls, but most of the labor and materials, including all the brick, can be furnished by the convicts. Provision should be made, however, for their support while engaged in the work. The institution appears now to be in as prosperous a condition, as the circumstances under which it has laboured could well admit. If the General Assembly expect the institution to become profitable to the State, or even to pay its own expenses, they should

make provision for furnishing it with a stock of tools and materials, necessary for a successful prosecution of such branches of business, as are usually carried on in like establishments.

The subject of the currency, has been one of intense interest during the past two years, and is still agitating the public mind. Since the failure of the banks, to redeem their notes in specie, the people of the union have become satisfied of their insufficiency as fiscal agents of the Government, and a large majority of them, are equally well satisfied, that a separation of the funds of the Government from the funds of the banks, is essential to the prosperity of both. It is admitted by the most intelligent and impartial of both parties, that it would no longer be prudent or safe, to deposit the public revenue in the vaults of the banks, with the privilege of operating on them as bank capital. The history of our commercial relations for the last few years, is replete with instruction on this subject, and it would seem sufficient to convince the most skeptic or obstinate, that the banks can never, hereafter, be the fiscal agents of government. The details of that history are familiar to you all. The immense increase of the public revenue, and that revenue deposited with the banks, was a temptation to the managers of those institutions, which human nature could not withstand. They commenced a system of expanded paper credits unparalleled in the annals of banking. Millions were withdrawn from active circulation, and invested in the purchase of wildlands. The credit system was diverted from its usual channel. Capital, instead of being sought for, was in search of borrowers, and the banks, and the brokers, and capitalists, generally were seen literally at the corners of the streets, seeking whom they could find, to rid them of the mass of paper money which had so easily accumulated. All this, however, was merely fictitious. Pay-day, however long deferred, came at last. The foreign merchants called for their money —the Government withdrew its surplus revenue and distributed it among the States—the Specie Circular called

for gold and silver at the land offices, and the borrowers were awakened from their dreams of fictitious wealth—with townships of wild lands—many of them not worth the certificates on which they were described, or with hundreds of town lots on the banks of Mississippi or Ohio, but no specie. What else could have been expected?—Whatever may be the diversity of opinion, as to the causes of the commercial distress which prevailed so extensively in 1837 and a part of 1838, I believe it is not denied, that the immense expansions of bank credit, produced, or at least, increased by the deposits of the public revenue in their vaults, was one of the principal. In addition to the general distrust in banking institutions, which has been occasioned by the late disasters in the commercial world, the conviction has strengthened, that our banking system must be so amended, as, if possible, to prevent a recurrence of those evils. The immense amount of public revenue deposited with the banks, subject to be made the basis of increased circulation, being obviously one of the most prominent causes of the late embarrassments; the President of the United States recommended a separation of the funds of the Government from those of the banks. This measure became a leading one with the present Administration and is still before the people awaiting their decision.

I can not, with a knowledge of the occurrences of the last two years, hesitate to believe, that the Government must no longer depend upon the banks, and that the banks have reaped no substantial benefit from their connection with the Government. The principle of divorce, as it has been popularly termed, seems to be the only one on which, the operations of either the Government or the banks, can be successfully conducted. It is a principle which past experience sanctions, and which a majority of the people will, I doubt not, ultimately approve. The more candid of those who are hostile to the present Administration of the General Government, do not contend, that the public revenue, should again be handed over to the banks with power to increase their circulation at pleas-

ure. Such a doctrine would be too monstrous to be sustained. They profess to see, however, in the creation of new officers, under the late Independent Treasury Bill, a dangerous extension of the executive patronage, and an increased insecurity of the public money. The last objection seems to be contradicted by experience and common observation. How is it possible, that agents appointed by the Executive, with the advice and consent of the Senate, responsible in heavy bonds, with ample security, would be less safe than the banks who have refused to redeem their notes, or to pay over one cent of the public revenue?

The objection founded on the increase of Executive patronage, is too palpably incorrect to need a serious refutation. What is the appointment of a few revenue officers, compared with the immense and almost unlimited patronage, which the banks through their directors, officers and debtors, can exert through society, and in which the Executive, whilst it has such large claims upon the banks, indirectly shares?

That the only alternative before the people, is some modification of the Independent Treasury system, or a National Bank, is obvious. The people of the United States have repeatedly declared against the latter institution, and I know of nothing that has occurred to change that determination. Whatever benefits may be promised by the advocates of a National Banking institution, its friends cannot now claim for it, an exemption from the same casualties and disasters, to which the State institutions have proved themselves liable. Such an institution has always had, and always will have, the same inducements which operate on monied corporations generally, to expand their issues on the faith of the Government deposits. Without the revenue of the General Government, in their vaults of course, such an institution could not exist, or at least, could not be termed a National Bank. Its friends do not propose to charter one, except upon the general principles of the old charter, by which it is made the fiscal agent of the Government—the receiver and disburser of all

its revenues. Whatever objections, have arisen against the State institutions, as fiscal agents of the Government, apply with increased force to the establishment of a National Bank. With the same inducements to over-banking—the same liability to extend its discounts beyond its means, it would have a concentration of the moneyed power of the Union, which would render it the more dangerous, whilst it would be the less responsible. Our fellow-citizens, unless I am greatly deceived in their opinions, will never agree to invest another moneyed corporation with such vast and extensive powers over the entire currency, and I may say, the entire property of the community; an institution too, that owes no responsibility to the Government, and consequently none to the people, of which that Government is the agent.

I have, therefore, fellow-citizens of the Senate and House of Representatives, entire confidence in the ultimate adoption of the Independent Treasury system, in some shape, by our National Legislature. The more its principles are investigated, and the better they are understood, the more popular they have, and will continue to become. The doctrine of a separation is a just one—it is founded on correct views of Democratic principles, and is better adapted to the theory and spirit of our government, than any other which has been heretofore suggested or tried. Much is, therefore, due to the foresight and firmness of our present Chief Magistrate, for bringing this measure before Congress, and trusting the continuance of his administration to its success. He stands before the people on lofty and tenable ground, and the people will sustain him.

My views in relation to Internal Improvements, were so fully detailed in my last Message, as Acting Governor of the State, that I do not deem it necessary, at this time, to dwell upon the subject at any length. I would, therefore, refer you to that document, with the remark, that my opinions upon this all-important subject, have undergone no change; but are confirmed by time and the experience of

other States. It is presumed, that the works contemplated in the charters of the different rail road companies incorporated at the last session of the General Assembly, were deemed of public utility, and conducive to the development of the resources of the State. So far as I have been able to ascertain, little or nothing has yet been done towards the construction of those works; nor is it probable that anything will be done within the periods limited by their respective charters. Deficient as we are, in all the necessary requisites of capital and labor, for the accomplishment of works of Internal Improvement of any magnitude through individual enterprise, no beneficial result can be expected to follow from the incorporation of private companies, unless aided by the credit of the State.

If it should not be deemed expedient to adopt a general system of Internal Improvement at the present time; yet a selection might be made of some work of the greatest public utility, and affording the greatest certainty of a profitable investment. The construction of such a work would stimulate enterprise, and insure confidence in the ultimate adoption of a wide and extended system—The construction of a railroad from the city of St. Louis to the Iron Mountain, would in my opinion, be a work of the highest magnitude to the future prosperity of our State. Passing through a region unsurpassed for its mineral wealth, and affording the material for the construction of works of a similar character, not only in Missouri, but throughout the valley of the Mississippi, at a rate that would defy successful competition, it could not otherwise than add to the productive resources of the State, to an extent that would vastly overbalance the expenditure incurred in its construction. The great manufacturing establishments that would necessarily arise, in consequence of the easy and cheap transportation of our mineral wealth to a market, would afford a profitable and ready market for our agricultural products.

The prosperity of a large portion of our State must necessarily depend upon mining and maufacturing. But

to bring those great interests into successful action, we must enable them to compete with similar interests in our sister states and elsewhere. I would, therefore, recommend the adoption of this, or some work of a similar character, as the commencement of a general system of Internal Improvements, and afford the necessary aid in its construction by resorting to a loan for that purpose. In the adoption of a general system, great aid would undoubtedly be derived from a geological survey of the State, particularly of the mineral region, as the geology of that portion of the State is yet but imperfectly understood.

GEOLOGY:—A science that teaches man a knowledge of the earth—its mineral resources, and its adaption to the various agricultural and manufacturing pursuits, is every where attracting the liveliest attention of Legislators. Many of the States of this Union, have already made provision for a geological examination of their territories, and wherever this has been progressed in, the most gratifying results have been realized. I feel that the time has arrived to call your attention to the necessity of such a survey for our own State. All the important pursuits of our citizens would be benefitted by it. Although our farmers find here a soil of great luxuriance, their experience in other regions has doubtless taught many of them, the necessity of availing themselves of certain invigorating agents to sustain this condition. It is better they should know them now, than when, as fortunately has been the case, in many of the older States, their fields shall have become almost unproductive. But such a survey is more immediately important to the mining and manufacturing interests. It is true that common report has long given us a pre-eminence in mineral resources. We should not, however, rest so important a point on so slender a support. If we enjoy this advantage, it becomes us in duty to ourselves, to have it ascertained. When this is done on such authority as the State itself shall guarantee capital and enterprise will soon be found availing themselves of it. We shall then increase our population in a quarter now little regarded by emi-

grants, and whilst a home market of great value, will be created for our farmers and graziers, extensive manufacturing establishments, will be formed, and our domestic exports vastly increased. I would, therefore, recommend that an appropriation be made for such a survey, and that provision be made for the appointment of competent and scientific men to execute and direct it.

The organization of a system of common schools, deserves your most earnest consideration. The paramount importance of a well regulated common school system, to the general diffusion of elementary knowledge, will readily be admitted by every reflecting person. All admit the necessity of education. But the best method of attaining this great end, is a subject of much doubt and perplexity. Owing to the large extent of territory over which our population is spread and in many parts its unsettled state, incidental to a change of habitation—the formation of new associations and the adoption of new pursuits; the difficulty of adopting a school system that will be equal in it burthens and successful in its operation, is greatly increased beyond that of the older and more populous States.—These difficulties, however, are partial in their operations, and are fast disappearing with the causes that create them. No system can be useful or efficient, unless ample means for its support are provided and enforced by law.—Under the law of 1835, "to provide for organizing, regulating, and perpetuating common schools;" the only fund provided is, the interest arising from the sale of school lands. This fund, in most instances, is entirely insufficient, even were the present system unobjectionable in other respects.

By an act past at the last session of the General Assembly, "to establish a permanent fund for the use and support of Common Schools," the Saline fund, and the money received by the State by virtue of the deposit act of June 23d, 1836, are constituted a common school fund, "and the interests and profits whenever the fund shall amount in the aggregate to the sum of five hundred thousand dollars or more" are appropriated to the payment of

teachers in common schools in such manner as the General Assembly may, by a system of common schools direct. This, it is presumed, was intended only as the foundation of a common school fund; for the interest arising from this fund, divided among the different school districts, would fall far short of the object to be attained. I would therefore, recommend the adoption of measures for the further increase of this fund.—The common school fund, however, is not entirely to be relied on for the support and maintenance of the system; it forms but a small part of the actual expenditure, in some states not one tenth.

The school fund is generally considered as an inducement to carry the system into effect, by aiding thus much in its attainment.

The necessity of adopting a system that will ensure the services of competent teachers, is manifestly of the greatest importance to the attainment of any useful end. The incompetency of teachers has been found one of the greatest obstacles to the successful operation of the system in other states. This is owing, in a great measure, to the small compensation allowed to the teachers; which has necessarily to be governed by the resources of the school districts. It is not to be supposed that teachers of competent attainments will devote their time and energies to so arduous a service as that of teaching in common schools without an adequate remuneration.

The establishment of a "Seminary of Learning," with a department devoted to the education of teachers for common schools; and the education at the public expense, in the best seminaries in the State of a limited number of young men for the same purpose, would go far towards removing this obstacle.

As the Outline of a Common School system, I would recommend—

1. The appointment of a Superintendent of Common Schools, who should reside and keep his office at the Seat of Government; invested with a superintending control over the whole system; and whose duty it shall be, among

other things to apportion the School Fund—prepare all necessary forms and blanks for making reports, and conducting other necessary proceedings; and to submit to each session of the General Assembly, a statement of the condition of the Common Schools, with the suggestion of plans for their better organization and government.

2. The institution of a Board of Commissioners in each county, to form rules for the government and discipline of the schools under the direction of the superintendent—to prescribe the course of studies—to control and manage all school lands and school funds in their respective counties—and report to the Superintendent, at stated periods, the condition of the district schools.

3. Also, a Board of Trustees in each school district, with authority to contract with, and employ teachers—erect school houses—to lay and collect taxes, for the building and repairing of school houses, and the purchase of school furniture; and to make reports at stated periods to the Board of Commissioners.

Each district, before receiving its apportionment of the school fund, should be required to raise the sum equal to double the amount apportioned to such district. This sum, in many instances, would be furnished out of the interest of the fund arising from the sale of school lands. In other districts, the interest of the district school fund, would lessen the amount required, and the deficit only would be raised by taxation.

If, at the expiration of any term, the fund thus provided, should be insufficient for the payment of the teacher, the remainder might be apportioned among those persons sending children to school, exempting the indigent.

It will be perceived, that under this system, the duties incumbent on the Superintendent are of a high and responsible nature. The harmony and methodical operation of the system would depend, in a great measure, upon the manner in which the duties of that office were discharged. Experience has shown the necessity of a superintending control over the system being invested in one person. The

division of the duties of superintending among a number of officers, having no common bond of union, acting without concert, and not having access to correct sources of information, would greatly jeopardise the success of any system you might adopt. Besides, experience teaches us, that the weight of responsibility is always lessened, in proportion to the number on which it rests.

In all your endeavors to promote the great cause of education, you may be assured of my hearty co-operation.

The Bank of the State of Missouri, which was incorporated at the last session of the General Assembly, commenced its operation but a short time previous to the general suspension of specie payments by the banks throughout the Union. This circumstance, precluded the possibility of its rendering that aid to the country, which its friends so generally anticipated at the time of its charter.—The Bank, however, has done much towards warding off and relieving the pressure of our commercial interests, and has aided other interests, as far as it was able to do so. Its affairs have been so managed, that notwithstanding the great difficulties it has had to encounter, both at home and abroad, the institution has maintained its credit unimpaired, and now stands among the first of the kind in the Union, and may be considered as in successful operation.

In obedience to the requisitions of the charter, the Executive at the proper time, subscribed for a million and a half of the capital stock on the part of the State—$624,-775 90 of which, are held for the use of the common school and seminary funds. The residue, amounting to the sum of eight hundred and seventy-five thousand, two hundred and twenty-four dollars and ninety-one cents is held for the use of the State. The bonds of the State to the amount of nine hundred and sixty-four thousand, eight hundred and fifty-six dollars and eighteen cents, were issued and delivered to the Bank in payment of the stock held for the use of the State: and for the sum of eighty-nine thousand, six hundred and thirty-one dollars and twenty-seven cents, being the

amount which the State was previously indebted to the Seminary and Saline funds.

The bonds of the State with the exception of a small amount, have not yet been sold; although every exertion on the part of the bank, has been made to effect a sale. The principal objection to the bonds appear to be, the time and place of their redemption, and the omission of the State to provide for the payment of the interest in Europe.

These objections could easily be removed, by amendments of the charter; making the bonds payable at the end of twenty-five or fifty years, at the option of the purchasers. Principal and interest being made payable in London in English currency; all the bonds bearing interest at the rate of six per centum.—These bonds are purchased by capitalists, with the view of permanently investing their funds, and bonds payable at the end of fifty years, generally are preferred to those payable at shorter periods.

The certainty of their ultimate redemption and the payment of the interest, at the stipulated periods, at the place of residence of the purchasers, are the principal inducements held out to capitalists.

Another objectionable feature in the charter is, that the bank is compelled to make dividends of the entire net profits; leaving the institution without any surplus fund to provide against casualties. If the bank were to meet with a loss, that would disable her from making her regular semi-annual dividends, the interest on the State bonds would remain unpaid, until the loss was repaired. Individuals for a similar reason might object to taking stock in the Bank. Most persons would much prefer, regularly receiving the ordinary rate of interest on the amount of their stock, than a large dividend at one period, and perhaps nothing at another; particularly those whose means of subsistence would depend on the interest of their capital. By prohibiting the Bank from making semi-annual dividends of more than five per centum, she would be enabled to accumulate a surplus fund, that would meet any ordinary loss, without reducing her dividends below the usual rate of interest. I

would also recommend either that the bank should be allowed to issue notes of the denomination of five dollars, or that the circulation of all notes under ten dollars be prohibited within the limits of the State.

If the latter should be found impracticable or impolitic, then our own bank should not be deprived of the profit and advantages enjoyed by other banks in the circulation of their notes within our State.

Another defect in the charter occurs in relation to the powers of the mother bank over the branches. The relation between the parent institution and the branches should be defined by the charter; otherwise difficulties and contentions will certainly occur between them.

I would also recommend the abolition of so much of the Constitution, as limits the capital stock of the bank, and the number and time of establishing the branches. Five millions of dollars, will soon fall far short of the amount of banking facilities required to transact the commercial and business operations this State. And at least double the number of branches will be necessary, in order to distribute the benefits of the institution equally and impartially throughout the State.

Ineffectual exertions have been made by the bank, to sell her bonds for the purpose of raising the trust fund contemplated by the charter.

It is extremely doubtful whether she will ever be able to effect this loan; which will render necessary the establishment of a greater number of branches. For further information in relation to the affairs of the bank, I would respectfully refer you to the documents herewith communicated appertaining to the subject.

The act of the last General Assembly, constituting a "common school fund," by uniting this State's portion of the surplus revenue of the United States, and the Saline fund, and directing their investment by the Executive, together with all interests, profits and additions accruing to the same, in the stock of any bank which this State might incorporate, has been complied with, and the several

amounts have been invested in the stock of our State bank. It is proper here to remark that the whole amount of the surplus revenue apportioned to this State, has been invested. Yet only three installments of the same have been received.

Congress postponed the payment of the fourth instalment until the 1st of January next, and may possibly postpone it still longer. In which case, it may become necessary to issue the bonds of the State to an amount equal to this last instalment; so as to complete the payment of the one million and a half of stock, subscribed by the Governor as the State's portion of the capital of the bank.

The last Legislature failed to make a provision for the reinvestment of the dividends accruing to the Seminary fund, the consequence has been, that these dividends have remained in the bank on deposit. The additions to that fund, arising from the sale of lands, were also overlooked, and no provision made for their investment.

I would therefore suggest, that authority be given to the Executive, to continue to invest in the stock of our State bank, from time to time, all dividends, profits and additions which may in anywise accrue to the same.

The formation of new counties having become indispensable, it will devolve upon you, gentlemen, to adopt some ratio of representation by which this object may be attained. The House of Representatives, is at present, composed of ninety-seven members, and the Senate of thirty-three. The constitution provides that the number of representatives shall not exceed one hundred, and the Senate shall not exceed thirty-three; and yet each county shall be entitled to one representative, consequently but three new counties can be organized under the present ratio.

The ratio of representation must, therefore, be increased or the constitution altered.

Would it not be advisable to alter that feature in the constitution, which limits the number of our representatives and senators?

This seems to me, the only feasible plan, and it could

better be effected by an amendment proposed at your present session, than by again placing before the people a bill for a state convention. This last question has been twice tried, and on both occasions a large majority of the people decided against the convention. Our citizens seem to be averse to any extensive or material changes in our constitution. The additional expense attending the call of a convention, seems to be rendered necessary, by the provision of the constitution, which provides for its own amendments. This consideration, doubtless, formed a prominent reason for the rejection of every convention bill that has been before the people.

I would, therefore, respectfully recommend an amendment of the constitution taking off the restriction of the number of members.

It may be argued, and with very great truth, that one hundred members forms a legislative body sufficiently large, and that the provision in the constitution preventing an increase beyond that number, is a wise and judicious one.

This is, undoubtedly, correct in the abstract, and every person will admit that a representative body of one hundred is sufficiently numerous to protect every interest in the State. But between two evils we may be allowed to choose the least. Instead of a constitutional restriction, may not this matter be safely left to be adjusted by future legislation and will not the evil be a temporary one.

The large counties are not willing to lose any portion of their present representation, because the small counties are already represented on a smaller ratio. The small counties are constitutionally entitled to one member each; new counties must be made, and the only feasible plan is, to alter that feature in the constitution which limits the number of members. This evil must, in the course of a few years correct itself. The increased emigration to the State, must in a very short time, increase the population of most of the new counties to such an extent, as to render them willing to raise the ratio of representation, and by that means diminish the whole number of members.

Though the contemplated amendment would, for a few years, produce a small increase of members beyond the old constitutional limit, I think it but a fair presumption, that it will be the policy of future legislatures to bring it back to the ancient standard. There is at least no necessity for a constitutional restriction on this point. It is a matter which the people through their representatives should have a right to adjust, according to their own ideas of convenience and interest. If the majority of the people should conceive it to their interest to encounter an additional tax, for the sake of the additional representation, it is not perceived that any evils would result. The tax payers will fix the ratio and if they are satisfied who can justly complain.

The requisition of the last General Assembly, making it the duty of the Executive to negotiate a loan for the erection of a state capital, has been complied with. A loan at par was obtained from the bank of the state of Missouri of seventy thousand dollars, payable by installments of ten thousand dollars every three months; and the bonds of the State to that amount have been issued bearing interest at the rate of six per centum per annum, for fifty years, but redeemable, at the option of the State, at the end of twenty-five years.

The residue of the appropriation, for the erection of the capitol being $5000, has been in part, and is expected to be entirely obtained from the sale of lots in the City of Jefferson as required by law. In consequence of the extreme heat of the summer, and the difficulties of procuring competent workmen, the building has not advanced, as rapidly as was at first anticipated. The calculation was that all the walls, to the full heighth of the body of the house, could be finished by the middle of the present month; from the causes above mentioned however, this was found impracticable.

Great pains was taken with the foundation, so as to make it permanent and secure. The materials used in the building are of the finest kind, and the work has been executed in a style equal, it is thought by competent judges, to any in the United States. The architect, who devised

the plan of the building, is a gentleman of great experience, and master of his profession. Great credit is due to him, for his zealous and unwearied attention in superintending the construction of this building. To complete the building in conformity to the plan adopted, will require a further appropriation of about one hundred and twenty-five thousand dollars. This amount, it is believed, will be amply sufficient to prepare the building for the use of the next General Assembly.

I would recommend your early action on this subject, and that authority be given to effect a loan on the bonds of the State for that amount. The report of the board of commissioners, in relation to this subject will, at the proper time be laid before you.

I would call your attention to the situation of the streets adjacent to the capitol. At present they are in a bad condition, and at times almost impassable.

The channel of the small creek, which empties into the river, just above the capitol, might be so changed as to produce the most beneficial results. It only requires a canal or ditch of about three hundred yards in length, to change the course of this stream in a direct line along one of the streets to the river, near the upper ferry landing.

This would remove the stream from the immediate vicinity of the capitol, and thereby add greatly to the health of the neighborhood and the value of the public property.—This creek, at present, renders all the lots through which it passes fractional. Changing its course as above recommended, would reclaim all the ground occupied by the bed of the stream, and thereby enlarge and enhance the value of the lots through which it now passes.

I would suggest the propriety of appropriating a portion of the proceeds of the sales of the remainder of the public lots, within the limits of the seat of government, to this object, and the residue to the improvement of the streets.—The citizens of this place, have by the expenditure of much capital and labor, added much to its improvement and health, and greatly enhanced the value of the public prop-

erty. It seems nothing more than sheer justice that the State should contribute her mite for so desirable an object.

The county court have at great expense prepared the building in which you are now assembled, for your accommodation. Should the General Assembly, in its liberality, think proper to make an appropriation to relieve the county, in part, for the debt incurred in this matter, it will no doubt, be highly acceptable.

Since the adjournment of the last General Assembly, our State house has been destroyed by fire. The cause of this accident is believed to have been in the defective manner in which the building was constructed, and affords another, among many convincing reasons, that all such buildings should, as far as practicable, be made fire proof.

In the loss sustained by the State, in this calamity, were all the papers, records, books, &c. belonging to the office of the Secretary of State, the greater portion of the most valuable books belonging to the State library, and a part of the records belonging to the office of the Auditor of Public Accounts.

Although the loss, in the latter office, has not been of a very serious nature, yet it has required, and will yet require, considerable labor to restore it to its former condition. A moderate addition to the appropriation, which it seems to be the settled policy of the State to make for the improvements of the State library for the next two years, will repair all the damage it has sustained. In the office of the Secretary of State, the damage is, to a certain extent, irreparable.

The record of all civil and military officers, their bonds, and all documents &c., required to be filed and preserved in this office, from the commencement of our Government both as a territory and a state have been lost.

Immediately after the occurrence letters were addressed, to the several Judges and Clerks of the State, requesting them to furnish as far as practicable, a list of all such officers in their respective counties, their bonds &c., as the law requires to be filed in the office of the Secretary of State. This request has, only to a certain extent been complied

with, and it may, be advisable to make some provision by law, for the obtaining of such documents, as have not been furnished and likewise for a reasonable compensation, for the labor that may be required on the same.

But as the loss can only be partially remedied by application to the clerks, I would recommend the propriety of a compilation and new publication of all laws, by which we have been governed from our commencement as a Territory in 1804, down to the present time, on the plan of the edition of the laws of the United States, made in 1816 by "Bioren, Duane & Weightman," by authority of an act of Congress, under the Superintendence of the Secretary of State. A reference to the letter of Mr. Rush, formerly Attorney General of the United States, to Mr. Monroe, then Secretary of State, on the subject, and which is prefixed to the first volume of that compilation, will explain more fully the plan suggested for your consideration in this respect.

The importance of some such measure, being adopted by the General Assembly, cannot be doubted; when it is a well known fact to Lawyers, that it has become impossible to procure all the acts of the Legislature of Missouri under the Territorial government, and difficult, if not impossible to procure all those under the State Government. Some few copies, of most of those acts both under the Territorial and State Governments, can be found in a few private libraries, several of the session acts of the Territorial Legislature never were printed, and are to be found only in the office of the Secretary of State of the State of Indiana; being such as were passed by the Governor and Judges, while the Territory of Missouri was attached to that of Indiana.

Cases frequently occur, in which it is necessary to have these laws (although long ago repealed) in our Courts, because the cause of action arose while those laws were in force.

I would recommend that the building now occupied as the residence of the Governor, and the grounds attached to the same be disposed of; and the proceeds applied to the

erection of another building on the grounds selected for that purpose, or on such other lots as the Legislature may designate. This property, it is believed, will sell for an amount sufficient for the erection of another building, much better adapted for the residence of a family. I would moreover call the attention of the General Assembly to the lot of ground upon which the old state house formerly stood. This ground should be subdivided into building lots and sold. In order to render it more valuable, as well as the ground attached to the present residence of the Governor, the alley between the two might be so widened as to make an avenue leading to the capitol square directly in front of the portico. Those citizens who own property on this alley, will, doubtless cheerfully relinquish a sufficiency of the same to make a street of the proper width. This avenue would add greatly to the convenience of the legislature, and tend very much to adorn the City. It could be graded and McAdamized with but little expense. The proceeds arising from the sale of the lot in question, might be applied to this purpose, or to improving the grounds attached to the capitol. The great value of the public buildings belonging to the State, and the impossibility of rendering them entirely fire proof, without incurring an expense greater than the people would be willing to undergo, seems to point to the necessity of procuring the usual and only safeguards against this destroying element—a fire engine and hose with the necessary apparatus. I would, therefore, respectfully recommend an appropriation for this purpose.

I should feel that I had omitted a most essential part of my constitutional duty, were I not again to call your attention to the importance of concentrating the sittings of the Supreme Court at the seat of Government. The condition of this high judicial tribunal, invested with powers of the most sacred and responsible nature; frequently sitting in judgment on the lives, liberty, and property of suitors, and from whose decision there is no appeal, is certainly a matter of the deepest solicitude to every member of the community; and any measures having a tendency to

elevate its character and improve its condition, are worthy of the most thorough and patient investigation on your part. I am well convinced, that it is impossible for the decisions of the Supreme Court, to attain anything like uniformity and legal accuracy, under the present arrangements of its sittings. The decisions are rarely printed and distributed within a year after they are delivered; and the Judges not having the decisions before them, frequently are unable to recollect the precise grounds upon which former cases have been determined. The consequence is, that the decisions in one district are often, for a considerable length of time, unknown in another. Another great evil of the present arrangement is that a large portion of the time of the Judges is consumed in traveling from court to court; allowing them too little time, to deliberate and write out their opinions. This together with the limited collection of law books in most of the districts, renders it impossible for the Judges to bestow that patient and thorough investigation on legal questions, which their magnitude and importance, so frequently require. The accumulation of business in this court is, constantly increasing these difficulties. The parties litigant, can derive no advantage from attending this court, and few, if any, do attend, as only questions of law are decided, and the proceedings in the court below preserved in writing, which dispenses with the attendance of parties, witnesses and jurors.

The advantages that would be derived from access to the decisions of other courts, which compose a large portion of the works in our State Library—the greater ability with which causes would be argued and investigated—the time and opportunity afforded the Judges for preparing their decisions, and their earlier publication and distribution, form strong inducements for concentrating the sittings of this Court. While its division into districts is attended with no countervailing advantages.

In pursuance of an act of the last General Assembly, for surveying and marking the northern boundary of this State, a communication was addressed by the Executive

of this State to the President of the United States, informing him of the passage of said act, and requesting the appointment of Commissioners on the part of the General Government to act in conjunction with those appointed on the part of this State, and requesting also, the aid of an officer from the department of civil engineers of the United States.

No reply having been received to this communication, the Commissioners on the part of the State, proceeded at the time required in the act (after having been notified of the failure of the General Government to appoint Commissioners on her part,) to the discharge of their duties.—Having completed their labors on the 19th of October, 1837, and returned to the City of Jefferson, they filed their report, together with a map of the survey of the line, as directed by the act, with the Secretary of State.

This map and report were among the papers destroyed by the burning of the former State House. From the filed notes, which the surveyor had fortunately retained, with the view of having them bound, and for the purpose of making out a plat on a larger scale, so as to show its connection with the old Indian boundary; he was enabled to furnish a better plat than the one destroyed, which will at the proper time be laid before the Legislature. Application has likewise been made to one of the commissioners, who was presumed to be in possession of all the necessary data, for a duplicate report of their proceedings. Owing to his absence from the State, it has not yet been obtained. As soon as he returns it will doubtless be furnished, and will then be laid before your body. The latitude of the rapids in the river Des Moines—the point of beginning in the survey, as ascertained by the Commissioners, is 40 deg., 44 min., 6 sec. north. The longitude west from Greenwich is 91 deg., 46 min., 40 sec., the longitude at the west end of the line on the Missouri river, is 95 deg. 39 min., 13 sec., west from Greenwich. Making a whole length of the northern boundary a little upwards of 203 miles.

Since the completion of this survey by our Commis-

sioner, Congress by an act of the 18th June last, authorized the President of the United States, to cause the southern boundary line of the Territory of Iowa to be ascertained and marked. I have received from the Secretary of State of the United States a copy of this act of Congress, accompanied by the information that, the President of the United States had appointed Albert M. Lea, Esq., Commissioner on the part of the General Government, to act in conjunction with such Commissioners as might be appointed on the part of the State of Missouri, and of the Territory of Iowa. I declined the appointment of a Commissioner on the part of this State, upon the ground, that all the powers vested in the Executive had been exercised, and so informed the Secretary of State of the United States—the Commissioner appointed on the part of the same, and the Governor of the Territory of Iowa. And further informed them that no appointment could be made, until the action of the General Assembly of Missouri could be had; requesting at the same time, of the Secretary of State of the United States, a postponement of the survey until our Legislature could be afforded an opportunity of acting on the subject. To this communication no reply has been received. The Commissioner, however, on the part of the United States, has informed me that it was his intention "to make a preliminary survey of the line in dispute, so as to ascertain all the local facts which have a bearing upon the construction of the law, establishing the limits of the State of Missouri; to embody all the facts of the case in a map and report; and to transmit copies of them to the Governor of Missouri and Iowa, and to the Secretary of State of the United States, in time for the action of the Legislature of Missouri, of the Legislature of Iowa Territory, and of the Congress of the United States, at their approaching sessions."

Under this view of the case, it will hardly be necessary for the Legislature of Missouri to make any provision for the appointment of a commissioner or even to take any action on the subject, until this preliminary survey and report be made.

The proposed survey of the southern boundary of Iowa, as authorized by the Government of the United States, is not considered as final until approved by Congress, and should this survey encroach upon our territory, we shall have ample time to remonstrate against it, before the adjournment of Congress. Copies of all the correspondence in relation to this subject, can be furnished to the General Assembly if desired. Upon a settlement of the accounts of the Commissioners on the part of the State for their services, the amount of the appropriation was found to be insufficient to pay the actual disbursements authorized by the law. An appropriation will necessarily be required to supply the deficiency.

I have been requested to place before the Legislature the accompanying presentment of the Grand Jury of the county of St. Louis, on the subject of licensing groceries and tippling houses. Your earliest attention, it is hoped will be directed to this subject. I concur entirely in the views and opinions expressed in that presentment. The entire repeal of the act in question, so far as it authorises the retailing of wines and spirituous liquors to be drank about the premises of the venders, would doubtless be a great public blessing. Such traffic is destructive to the peace and morals of the people and ought to be prohibited.

I feel it my duty to call your attention to the salaries of our judicial officers. The salaries of the Judges of the Supreme and Circuit Courts, and that of the Attorney General are entirely inadequate: While the expense of living, and the value of almost every thing necessary for our comfort has increased, the compensation of this important branch of our Government has remained stationary, I would suggest, that if the Legislature be indisposed to raise at this time the salaries of the Judges because of personal objection that may exist to some of the incumbents (which, however, I have no reason to suppose,) this difficulty might be obviated by increasing the salaries of those Judges who should succeed to the office, after the respective judicial offices should become vacant.

The salaries of both the Auditor of Public Accounts and the Secretary of State, are entirely below that of a just compensation for their services, There should be a separate bureau established in the Auditor's office for the purpose of taking charge of land matters. A chief clerk with a reasonable compensation under the control of the auditor would be sufficient for that purpose.

Permit me to call your attention to the present depressed condition of our Mexican trade; which for the want of that aid from the General Government, which it is justly entitled, for several years past been gradually decreasing, and is, at this time, almost extinct. The Legislature, it is true, have at different times brought this subject to the attention of Congress; but as yet, without success. All that we ask is, that our citizens who trade to that country by land, may be placed on the same footing with those who trade by sea. They are at present unable to compete with those who trade coast-wise: for the very plain and simple reason that, the shippers are allowed a drawback on all foreign goods, exported from the United States, which is denied to our traders by land. We are kept out of the market, because most of the importations into Mexico from France, Germany, England and the Indies, can be purchased cheaper in her ports than in Missouri, and that too after they have paid the duties of that republic; for the reason that the Mexican tariff laws, except the article of coarse cottons, are as low as those of United States.

Chihuahua, is a gay and wealthy city, containing fifteen thousand people. The trade centre of a population of three hundred thousand. Some of the richest mines of the Mexican country are in its neighborhood. She has a branch of the mint, and does a cash business to the amount of three millions of dollars annually, two of which are in foreign commerce. Give our traders the privilege of transporting their goods over land by the entire package, the same as if they were re-shipped, say from New York to Vera Cruz, with the advantage of the debenture, and they can completely command the trade of Chihuahua and divert this

immense amount of specie through the state of Missouri.

The distance from the upper parts of this State to Chihuahua, is nearly the same as from that City to the ports of the Gulf, or those of the Pacific. The road is greatly in our favor, being an excellent waggon road, whereas theirs is almost impassable, except for pack mules. The enterprise of our citizens is far superior to those who have become enervated by a residence on the sickly shore of the coasts of Mexico. This trade, once a source of great profit to the state, is at present almost entirely lost. An effort should be made to recover and to extend it. Let the General Government permit our traders to buy their goods, as the re-shipper does, paying no duty to the United States for goods not consumed within her limits, and they can employ five hundred waggons profitably; benefitting thereby various classes of the community, and giving employment to near one thousand men. I would therefore, earnestly recommend another appeal being made to the justice of Congress, in favor of the establishment of a port entry, and a custom house at some point on the Missouri river near our western boundary, and for the allowance of the drawback on all foreign goods exported by land in the original package from that point to any part of the Mexican republic.

Herewith I have the honor to communicate to the General Assembly, documents from several of our sister States, on various subjects which will, doubtless, receive that consideration due to their respective merits and the sources from which they emanate.

At the request of Major General Gaines, of the United States Army, I submit to the consideration of the legislature, the accompanying diagram of his system of rail roads intended for national defence, together with a communication from him, explanatory of the same.

The difficulties which have taken place between the people called Mormons and the citizens of the adjoining counties, have recently assumed a most serious aspect. It

was found necessary to call forth a portion of the militia to quiet these disturbances and to restore peace and order to the community. The troops engaged in this service (with the exception of a company or two retained as a guard over the prisoners) have been discharged.

I have concluded to forbear making any further remarks on this subject at the present time as the matter is now undergoing a judicial investigation. I have directed the General officer who was placed in command of the troops raised for this service, to collect and embody all the facts in relation to the commencement, progress and termination of this unfortunate affair and report to me as early as possible, so that the subject may be placed before the legislature. I shall avail myself of the earliest opportunity after receiving his report, to lay the whole subject before you together with all the documents in relation to it in possession of the executive.

Since the adjournment of the last General Assembly, the militia of our State has been re-organized and the number of divisions and brigades considerably increased. It has been found to be much more convenient for the transmission of orders and affords the people a better opportunity of becoming acquainted with the qualifications of those whom they are authorized to select for the higher grades of command.

It will become necessary for the legislature to make some provision for the payment of the volunteers and militia that have on different occasions been called into the service of the State; in order to do so you will have to resort to other means besides that of the ordinary revenue of the State.

The defense of the western frontier is a subject of great importance to the people of this State. I have the gratification to inform you that the General Government, have increased the Army of the U. States with a view to this object and are taking all the necessary measures to ensure its complete defence from the Sabine to the St. Peters.

The annexation of the Platt country to our State has

been completed and the Indian population removed. This country has already become densely populated. Application will doubtless be made for the organization of at least two new counties within that boundary at your present session. The extent of the country and the number of inhabitants render it necessary for their convenience and interest that those counties be organized as early as practicable. The General Government in its liberality has extended the pre-emption law to the settlers on Public lands. This law embraces in its provisions all those in the Platte country who have settled there, within the time specified by the act of Congress.

Feeling a strong solicitude for the welfare and happiness of the people, and for the advancement of the prosperity of the State, I tender you in conclusion, a cheerful and hearty co-operation in every measure having a tendency to promote those desirable objects. It is my most sincere and devout supplication that harmony may attend your deliberations and that your labors may be crowned with the most beneficial results.

LILBURN W. BOGGS.

CITY OF JEFFERSON, 20TH NOVEMBER, 1838.

THIRD BIENNIAL MESSAGE

NOVEMBER 17, 1840

From the Journal of the Senate, pp. 15-29

Fellow-Citizens of the Senate and House of Represntatives:

It affords me much pleasure to congratulate you upon the happy prospects under which you have assembled; although a portion of our citizens have in some measure labored under temporary embarrassments, and in some portions of the state during the last year from the failure of their crops; yet, through the interposition of an overruling Providence the labors of the husbandman during the present season have been crowned with unusual success. Our mechanics find profitable employment, and all classes of our citizens are enjoying that degree of happiness which flows from peace, health and general abundance. Our unceasing and devout gratitude is due to a kind and beneficent Providence for his manifold blessings and for his superintending care and protection.

I regret to inform you that since your last session the harmony of our relations with a neighboring government has been disturbed so seriously as to induce a resort to military interference.

In pursuance of the provisions of a law passed at your last session, the sheriff of Clark county proceeded to collect the revenue from a certain district of country attached to that county.

In the peaceable exercise of his official duties under the laws of this state, he was met by the threats and opposition of some of the inhabitants of the district of land immediately adjacent to our northern line, and he was warned to desist from the further prosecution of his duties under a penalty consequent upon a violation of the laws of the territory of Iowa to which it was pretended this district of right belonged. Information having been, at the same

time, communicated to the Governor of the territory of Iowa, he thereupon issued a Proclamation denying the title of this state to the occupancy and dominion of that portion of its rightful domain, claiming the same for the territory aforesaid, authorizing the arrest and trial before the judicial tribunals of Iowa of all persons who shall within the said district attempt to exercise any official function not granted nor secured by the laws of the territory, and calling upon all the citizens of Iowa to be vigilant in the detection and arrest of all such alleged offenders. To this it was replied by the Executive of Missouri, that the jurisdiction which was claimed by the territory was unwarranted; that the exercise of the duties by the officers of Clark county was in conformity not only to the laws of Missouri enacted after a diligent examination of its title, and with a full knowledge of the territorial authorities, but was in perfect accordance with the constitutional and ceded limits of the state. Instructions were also issued to the civil officers of the counties adjoining our northern boundary, to proceed in the discharge of their duties, and in case of any interruption by persons claiming not to be citizens of this state, and denying its jurisdiction, that they call to their aid the power of their county, and to act in other respects in accordance with the laws of this state in relation to riots and unlawful assemblies. While such instructions were given, the officers of this state were also expressly cautioned and directed so to execute their respective functions as to create no unnecessary excitement, and to use their utmost efforts, consistently with law, to suppress any needless collision, to maintain an amicable feeling with the citizens of this state and of the territory of Iowa, and in all respects to conform strictly and literally to the laws of this state.

While proceeding under these directions, and in the peaceable exercise of his legal functions the sheriff of the county of Clark was resisted, and preparations were made for his arrest; he however retreated, and called upon the militia for support.

Information of these proceedings were conveyed to the

Executive of this state by the Major-General of that division, who was directed to furnish a sufficient force to the sheriff of Clark County, to enable him to proceed in the discharge of his duties, and to take into custody any person or persons found within the limits of this state in open resistance to its laws. Under the influence of a strong desire that the rights of our state should be maintained firmly, yet mildly, the commanding officer of the division was authorized to call to his aid, if necessary, assistance from other divisions, while he was at the same time directed to use his utmost caution to prevent any unnecessary collision with the authorities or citizens of Iowa, and only in case the laws of the state were resisted by an armed force too strong to be overcome by the ordinary powers conferred upon the civil officers, to resist force by force, and cause the laws to be faithfully executed, and the integrity of our territory maintained.

In the mean time the sheriff of Clark county had been seized by an armed force, carried into the territory of Iowa, and there held in imprisonment by its legally constituted authorities, while engaged peaceably in collecting the revenue in the district of country thus brought into dispute. Under this state of things, a series of resolutions were adopted by the territorial council of Iowa, requesting the Executive of this state to authorize a suspension of hostilities on the part of Missouri, until the first day of July last, with a view of having the difficulty adjusted by the action of congress. A copy of the said resolutions were also sent by the council to the county court of Clark county, and adopted by that body. An order was then issued from that court to the general officer directing him to disband the forces under his command, with which order he complied. When the resolutions were presented to me for approval I immediately expressed my unqualified dissent. I could not for one instant recognize as obligatory the assumed ground that Congress could by any means interfere with, or alter the constitutional limits of this state. While I expressed my serious regret that the kindred interests of the citizens

of this state and Iowa, were of necessity about to be dissevered, that I had no authority to suspend the execution of any law, which power had been wisely conferred upon a different department of our government; that I felt myself constrained to order that no suspension of the civil and military functions under the laws of this state be allowed within its rightful limits, and called upon all the officers of this state, civil and military, that they should use all legal means in their power to prevent any violation of law or exercise of foreign jurisdiction within our limits, and that they exercise to the full extent their respective duties, in conformity with the laws of this state.

Since the date of that proclamation, I am pleased to inform you, that no further disturbance has occurred on our northern line, which has called for the interference of the authority of the Executive, or the military force of the state.

As the history of the dispute and the mode of designation of our northern boundary were communicated to the last session of the legislature, I deem it unnecessary to enter into detail of the facts connected therewith. If the legislature should, however, consider it necessary, I beg leave to refer them to my last message and the accompanying documents, to show that the boundary line which we claim as the termination of our territory on the north, is in strict conformity with the ceded and constitutional limits of this State, that it cannot in any manner be construed to trench on the limits of the Territory of Iowa; that its designation was made with a just and open comparison of the rights of the territory, and after a full and fair notice of the time when the survey would be instituted by the authorities of this State, and after a formal invitation to the general government to participate in the proceeding. I cannot here, however, pause in the history of this whole proceeding, without expressing to you the surprise which I feel that this State should never have been furnished with a copy or plat of the line which was afterwards made by a commissioner appointed by the United States, and

which forms the foundation of the claim of Iowa to the territory in dispute.

The increasing importance and population of the territory of Iowa will doubtless very shortly be made the ground of an application for its admission into the Union as a sovereign and independent State, and the governor of that territory has brought the subject to the attention of their legislative body. The consent of Congress cannot and ought not long to be withheld, whenever the territory shall prove itself entitled to take an equal rank among the States of our confederacy, and in this point of view it becomes extremely important that this question should be definitely settled. It would be far better that the question of boundary should be settled by Congress upon the admission of Iowa into the Union, than that it should be left unadjusted, and remain a ground of immediate controversy so soon as Iowa should assume the authority and rank of a sovereign State.

In ratifying the constitution which the people of that territory may submit for approval, the Congress of the United States should be urged to regard the integrity of our domain, and so to limit the government of the new State as not to intrude jurisdiction upon our soil. To this end I would suggest the propriety of a remonstrance on the part of the legislature of this State against the exercise of any power or right of interference on the part of Congress to limit the extent of our boundary; and also against the admission of Iowa into the Union, except upon a full and perfect regard for the integrity of our territory, and the rightful extent of our constitutional domain. I feel no hesitation in believing that such a declaration of our rights, and of the reasons on which we base them, will effectually remove the doubt, if any exists, as to the justice of our title, and will postpone the ratification of the boundary line of Iowa to the proper and final adjustment of our own.

In the meantime I would also suggest that the title of this State be maintained to the fullest extent to the ground claimed by Iowa, and which was at your last session declared

a part of the State of Missouri by an act founded upon the examination and report of skillful surveyors. Independent of the mutual relations of protection and support existing between this government and its citizens residing in the territory thus brought into dispute, this State should not recede except upon the strongest evidence of error from the position in which it has been placed by a clear examination of its rights, by the plain letter of its constitution and voice of its legislature declared after an exhibition of the most satisfactory testimony.

The splendid edifice which has been prepared for your reception commands the attention and admiration of every beholder; not a stranger visits our seat of government either from the east or from the west, from the north or from the south, but whose attention is forcibly arrested by its grand and magnificent exterior, by the justness of its proportions, the convenience of its internal arrangements, the durability of the material, the beautiful and chaste style of its architecture and the very complete and superior workmanship of the whole structure. Placed upon the summit of a lofty promontory that commands a most extended view of our noble river, the Capitol of Missouri stands unrivalled in the west, a proud monument of the taste and liberality of her citizens. The architect who designed the building and superintended the construction, and the gentleman who so faithfully executed the work deserve that credit which an enlightened community will ever accord to merit, skill and industry. It will require an additional appropriation to fully complete the building and enclose the grounds. The Commissioners will in due time submit their report showing among other things the amount already expended and the contracts existing, and now in progress for the completion of the work, to which permit me to refer you. I cannot close the subject without urging upon you the necessity of providing for the appointment of some sober and discreet person as a guard, whose duty it should be at all times to keep a strict watch over the building to prevent injury to the same either from accident or negligence.—The small

expense attending this matter can well be justified by the great value of the building and the safety of the public archives.

Since your last session the University of the State has been located, and the public buildings are now in a rapid state of progress. Under the provisions of a law passed by the last General Assembly, the town of Columbia in the county of Boone, was selected as the permanent site of this institution; the public spirite that induced its citizens to bid so liberally for the privilege of its erection within the border of their county, forms the strongest assurance that there its welfare will be carefully consulted, and its interests warmly cherished.

It has long been a matter of reproach to our state, that, with the liberal donation of Congress, and the accumulated fund for the support of a seminary of learning, no provision was ever made for the education among ourselves, of our youth in the higher branches of science, and that for the proper acquisition of this knowledge our citizens were indebted to foreign institutions. It forms a subject of congratulation that this reproach can no longer rest upon us, but can be met by the fact that our energies have been excited in the cause of advanced education, and that our zeal in its behalf has been manifested by our determination to concentrate intelligence among us. It is a strong evidence of the improved condition and increasing importance of our state, that we have had the honor to rear the first institution of this character on this side of the mighty father of waters.

In consequence of its recent organization and the incomplete condition of the buildings, the University has not as yet gone into operation. It is believed that during the next year it will be open for the admission of pupils. Great inconvenience has been experienced in consequence of the frequent absence of many of the curators, at important meetings of their board, which has been partly occasioned by the distance of their residence from the site of the institution. I would recommend to the legislature the selection

of such gentlemen as curators, who reside near to the University, as to render their attendance at the annual or appointed meetings of the board a matter of little personal inconvenience very little good can result from the choice of such gentlemen as curators, whose residence are so remote from the University as to cause their absence from every meeting of the board. A sufficient number of gentlemen can be found in the county of Boone and in the counties immediately adjacent whose interest in the cause will prompt and whose vicinity to the institution will ensure their certain attendance. The curators I would also suggest, should not be required to serve without an adequate compensation. Under the present system which allows no remuneration to these officers, they are expected to absent themselves from their homes and pursuits, and at some pecuniary loss to bestow their time and care on the affairs and interests of a public institution. This should not be—the duty which the law imposes on them is delicate and highly important. The future and entire interests of an institution, which the state should cherish with the same fondness as its independence, depend entirely for good or ill, on the enlightened and proper course of those who are chosen to conduct it. It is not right that gentlemen whose zeal for the cause of science, and whose attainments have induced their selection as curators by the legislature, should in addition to the tax of a journey and an absence from home incur at the same time a pecuniary sacrifice. I would suggest to you the propriety of rendering those officers of the state some compensation for their services, even though that compensation should not be extended beyond their expenses incurred.

The Secretary of State will in due time communicate to the General Assembly the report of the board of curators which by law is required to be deposited in his office, to which I refer you, and recommend to your attention the suggestions therein contained.

I am gratified in being enabled to inform you of the immense accession to the population and wealth of our

state since the last census. An unexampled emigration from our sister states, and from Europe has found its way into our borders, and has served to people to a very great degree the vast and hitherto unoccupied expanses of our fertile territory. The blessings which this increase of our population has produced have not been confined altogether to any particular section of our state, but have extended in some degree to every portion of it. To this matter which forms a subject of cordial congratulation, your earliest attention is directed. It is an act of justice that this increase of population should be entitled to all the privileges which have been heretofore accorded to older emigrants, and which the constitution warrants them in demanding at your hands. It will be seen from the returns submitted to you that very sensible alterations have occurred in the proportionate population of the different sections of the state since the last census. A number of counties have slowly advanced in this respect, whilst many others have progressed with a rapidity hitherto unexampled. The constitution of our state in anticipation of the immense increase of our population has very properly made it the basis of representation: and has wisely rendered it incumbent on the General Assembly once in every four years to rectify the unavoidable inequalities of the system. On you, then, gentlemen of the General Assembly, devolves this duty, and as the constitution has very plainly defined your duties on this behalf, it leaves me nothing to recommend except the correction of the present inequalities and the diffusion of justice to those interested.

Intimately connected with this subject is the formation of new counties, which I cannot too earnestly recommend to your speedy and serious attention dependent partly on the same causes that have produced such striking inequalities in the representation, this matter for similar reasons appeals to you for correction. It is unnecessary for me to enumerate the many and great inconveniences which the citizens of newly settled countries labor under for the

want of municipal privileges, the most of you are well acquainted with them.

As the constitution of our State has limited the number of Representatives and Senators and at the same time has allowed one Representative to each county, it will become necessary in fixing the ratio of representation so to increase it as to provide means for the organization of such new counties as to you may seem to be demanded by the improved condition and the increasing population of the country. I feel myself justified in recommending this subject as one of your earliest duties.

The superintendent of common schools will I presume in due time submit to the legislature a report showing the condition of that department and will doubtless suggest such amendments or alterations of the present law as his experience may have found necessary. In connection with this subject and as an auxiliary movement in effecting the great object of prosecuting successfully our system of common schools, I would suggest that the funds which have arisen from the sale of the sixteenth sections and what may hereafter arise from the same source, shall be collected and investigated separately in the stock of our state bank, for the benefit of the inhabitants of each respective congressional township agreeably to the amount belonging to such township. The manner in which these funds are now loaned, subject them to severe loss; in many counties they are in the hands of but few individuals and the mass of the people derive no benefit from them; were they concentrated the sum would be large and the investment in bank stock would increase their security and be a more certain and easy mode of distributing the proceeds among the respective townships. The whole amount of this fund in the State is estimated at between three and four hundred thousand dollars; this, added to that portion of the common school fund already invested in bank stock, together with all monies which may hereafter arise from the unsold lands, would soon amount to a sum sufficiently large to enable the legislature to prosecute the system successfully; in their

present divided state little good can be effected. I would recommend the whole subject to your earnest consideration. The act of the last session, providing for the organization, support and government of common schools, appears to be somewhat complicated in its provisions; it might perhaps be simplified and condensed in such a manner as to enable it to be more easily understood. As an argument in favor of investments in bank over any other mode, you will discover from the Auditor's report that upwards of one hundred and twenty-five thousand dollars have been added to the original amount of the fund accruing from bank dividends.

In pursuance of an act of the last General Assembly a portion of the Saline reservations belonging to the State have been disposed of at fair prices and the amount invested in bank stock for the benefit of the State school fund agreeably to law.

You will discover from the report of the Auditor that the dividends accruing to the various funds have all been reinvested as provided by law in the stock of the State bank except the dividends accruing on the State stock which have been applied by the bank to the payment of the interest on our State bonds, with the exception of the sum invested for the benefit of the sinking fund.

The amendments to the charter of the bank required the Treasurer to subscribe on the part of the State for the residue of all the stock except what portion might have been taken by individuals—this provision conflicted with other laws requiring the reinvestment of the dividends of the various funds in said stock. It being impossible to comply with both, it was thought best that the Treasurer should subscribe for only one million of the stock for the use of the State leaving the residue subject to investments of accruing dividends. It would be well to amend the charter in this particular, and suffer the residue of the stock to remain open, subject to investments of this character.

The report of the condition of the bank and its branches will be in due time laid before you, by the committee

appointed to examine its affairs, to which I beg leave to refer you.

I have great satisfaction in pointing out to you the high and honorable conduct of the Bank of Missouri, in continuing to redeem all her obligations with specie, and in resisting the second suspension of the Banks, which, beginning in Philadelphia in the fall of 1839, so rapidly spread over the south and west. To this contagious example the Bank of Missouri proved to be a barrier and an exception, and in so doing has not only gained honorable distinction, but has shown how easy it is for the Banks of any State to resist those suspensions, and thus enable each State to preserve the standard of value, and maintain the sanctity of contracts within her limits. Nor has the benefit of this conduct of the Bank of Missouri been limited to honor and instruction. It has been beneficial to the interest of the whole State, as is exemplified in the preservation of specie among us, in the vast increase of business and population, and in the fair prices which are paid for labor, produce and property. It is probable that the State of Missouri is more rapidly increasing in the elements of wealth and strength than any State in the Union, and that the city of St. Louis is the most flourishing.

To this honorable conduct of the Bank of Missouri in fulfilling with punctuality all her engagements to individuals, may also be added equal praise for fulfilling her obligations to the federal government. It is known that this Bank has been for years the fiscal agent of the United States, and in that capacity has been entrusted with the collection, safe keeping and disbursement of immense sums; all which has been paid out as ordered by the government. And I feel authorized in saying that the business between the Bank and the federal treasury is now closing up, and that every dollar due to it will be punctually paid as called for.

This honorable conduct on the part of the Bank has given it character and credit, and qualified it to become useful to the State; provided it is freed from the sinister operations of unconstitutional banking, by unauthorized

institutions within our limits. All that I have said in relation to the Bank, applies also to the branches, and is intended to include them.

I have been advised that all the surveys and examinations directed to be made by the act of the last legislature, have been completed, with the exception of about thirty miles of the Merimec river, nearest its mouth, where the levels and soundings only remain to be taken.

The survey for a Rail road from St. Louis to the Iron Mountain, resulted in the attainment of a route passing very centrally "through the Mineral Region," as prescribed by the legislature. The very broken and irregular country over which this improvement is compelled to pass, will make its construction so very expensive as to afford little reason to expect any pecuniary remuneration to the State for capital it might invest in this enterprise.

The examination of the Merimec river has shown that that stream cannot be improved, so as to admit of navigation without resort to a connected series of locks and dams which would be expensive in their construction, and which from the great fall in the stream, would be so frequent as to render the navigation of little value by reason of the delay and expense they would occasion; and connected with the extremely tortuous course of the river, would effectually preclude the use of steam on its waters. An independent canal, with its levels so adjusted as to afford the greatest manufacturing facilities, appears to be the best and indeed the only proper kind of improvement for the valley of this stream, but from the rugged nature of its banks, the cost of such a work will be too great to afford any prospect of sufficient remuneration to the State, to induce it at this time to engage in the enterprise.

The improvement of Salt River can be effected by a connected series of locks and dams, but at too heavy an expense (compared with the benefits to be derived from the improvement,) to justify the undertaking—the estimate is about four hundred thousand dollars. In connection with this subject it is proper to call attention to the fact

that dams have been, and others are being constructed by individuals across this stream without any provision for the passage of boats. Salt river has been recognized as a navigable stream by the general government, and also declared to be so by positive enactment of the legislature of this State, and it is but reasonable that individuals in the erection of their dams, should be compelled to so construct them as not to obstruct its navigation.

From the survey of the Osage river it has been ascertained that it can be readily improved, so as to afford a certain navigation for boats of an hundred tons burthen during all times of ordinary full water, of 231 miles. The cost of this improvement is estimated to exceed but little if any $200,000.

North Grand river, it is ascertained can be made navigable for steam boats of light draught from its mouth to the forks—a distance of sixty-nine miles, at the estimated expense of about twenty thousand dollars. From the forks to a point on the west fork opposite Gallatin in Davis county a distance of forty-one miles, there is too little water to warrant the attempt to make the natural channel of the river navigable.

It thus appears that 231 miles of steam boat navigation of the Osage, and sixty-nine of Grand river, making in all 300 miles, can be effected by the expense of about $220,000 a sum when compared with the extent and importance of these improvements, altogether inconsiderable, did the financial condition of our State at the present time justify the expenditure; this however will be for the legislature to determine. The amount appropriated at the last session, for the purpose of conducting the reconnoisances and surveys of the several projects alluded to, has been expended, with the exception of a small amount remaining in the hands of the commissioners. The loan was obtained from the bank of the State of Missouri, upon the terms of the act of Assembly, and the bonds of the State have been issued for the amount.

A geological examination has been made of the valley

of the Osage by which much valuable information has been obtained, as to the character of the soil, and the formation and arrangement of the rocks. The existence of deposits of coal, and a very general diffusion of ores of lead and iron has been also ascertained with certainty.

A sectional map of the State faithfully copied from the surveys made by the general government, is in the course of construction, which when completed, will not only be of great value to every citizen, but will also afford to the legislature in its legislation upon roads and improvements, and in its arrangement of counties the means of correct and definite information.

I feel it my duty to call your attention to the course pursued by various Insurance Companies in the city of St. Louis, that have been chartered by the legislature. If I am correctly informed (of which I entertain no doubt whatever,) they have been engaged in every ramification of the system of banking with the exception of issuing a circulating medium. Although the power to issue a circulating medium of their own for which they could be held responsible has not been granted to them, still they exercise the privilege of circulating the notes of foreign banks to as full an extent as if they were the legally established agencies of those institutions, thus flooding the country with an irredeemable currency for the liquidation of which they are in no wise responsible, to the great peril of the innocent holders of this paper, and in opposition to the interest of the only constitutional corporation which can exercise banking privileges within our limits and in which the public funds are so largely invested.

Under our constitution there can be but one banking company and its branches established in this State, to be in operation at the same time, and the State must own at least a moiety of the capital stock. The legislature in chartering the various Insurance Companies sedulously avoided extending to them banking privileges. Notwithstanding this precaution on the part of the legislature these companies have been carrying on an extensive system

of banking contrary in my opinion to the true intent and spirit of their charters. Should the legislature in gra those charters have overlooked or suffered provisions to creep into them under color of which they have assumed the exercise of powers not intended to be granted, and in violation of the true intent and meaning of the constitution, then it becomes your duty to remedy the evil as speedily as possible. To this end I would recommend the appointment of a committee, clothed with authority to make a thorough examination whether the letter of the constitution and the spirit of their charters has been thus violated.

The number of new counties which will probably be organized during your present session will in all probability render it necessary to establish an additional judicial circuit in the southern and southwestern part of the State. The judges of those two circuits have to travel over so extensive a territory that they have but little time to devote to the examination of authorities bearing upon the cases before them. Their compensation too is very inadequate and it would seem to me reasonable that they should not be compelled to expend the small pittance they receive, in liquidating their traveling expense; this subject is therefore recommended to your favorable consideration.

I feel myself again called upon by a sense of my constitutional duty, and a conviction of its advantageous policy to recommend a concentration at the seat of government of the Supreme Court. It is of the utmost importance to the community that the decisions of this tribunal from which there is no appeal should be enlightened and speedily diffused. This subject was suggested to the General Assembly in my last message and a law was passed providing for the publication of the decisions in one newspaper in each judicial district. The decisions however under this law are circulated in a shape so perishable and to an extent so limited as to render the relief but partial.

It has long been a matter of complaint that the publication and distribution of the decisions of this tribunal are delayed so long that it is nearly a year after the rendition of

the opinion before the principles that it has decided are generally known. This is necessarily attended with great inconvenience, excessive expense and delay of justice to the parties interested.

In addition to this the decisions how correctly soever they may be copied for the newspapers, are not submitted for correction to the superintendence of any competent person, and are issued hastily and without the necessary attention which should be bestowed upon adjudications so important. In consequence, the evident design of the law is not, and cannot in this way be fully completed. By a concentration of the court this evil will be corrected as far as it is possible. The copy of the decisions can be prepared under the immediate control and supervision of the Reporter who could not else bestow that attention and care on the various modes of publication ordered by the legislature which their importance demands.

I have cited this as an additional reason to those mentioned in my last message to which I refer you, why the court should be concentrated. I trust that you may find this subject presenting itself to you in the same light in which I regard it, and that you may think with me that a law rendering this tribunal stationary will be productive of increased despatch in its business, a more rapid and correct diffusion of its opinions and as affording more time and greater opportunities to its judges for the proper and thorough preparation of their decisions.

Some of the first volumes of the decisions of the Supreme court were destroyed by the conflagration of the state house, and the limited number of copies originally published have become nearly out of print. It is a very rare thing to find them except in the libraries of very old lawyers of the State, and as many of the decisions which they contain, are made upon statutes which are now in operation it is important that they should be restored. The decisions of this tribunal are as much the law of the land as the enactments of the legislature, and their preservation is as

much necessary to make and maintain complete the civil history of our country.

The demand which exists for these books is not now sufficient to justify their private reprint, and unless the legislature will order it to be done, it may happen from the lapse of time and from accident, that it may be difficult to procure a copy even for the purpose of publication. I would recommend to the legislature the propriety of ordering the immediate publication of the first, second, and third volumes of this book which can probably be done much more cheaply than the original work, by giving to the publisher, after supplying the requisite number to the state, the exclusive privilege of multiplying the publication.

I will call your attention to the subject of an increase to the State Library; nearly all the books that now compose it, are copies of executive documents from Congress and the laws of the different States of the Union. The scientific, legal and miscellaneous departments are exceedingly imperfect and as they form the most important feature in a public collection of books, it is important that this defect in our State library should be remedied. Very few additions have been made to the limited and mixed number of volumes that were preserved from the conflagrations of the State House and excepting the laws and publications of Congress, and of our sister States, the Library can scarcely be said to have received any accession since that event.

The appropriation made at the last session of your body for this purpose was too small to afford any very great benefit towards the object for which it was intended, and a considerable portion of it remains unexpended in order that it may be added to such sum as you may deem it advisable, at your present session to appropriate. A spacious and elegant room has been reserved in the new Capitol for the Library, which will be completed long before the next session of the legislature, and be ready for the reception of a large number of books. This room has been purposely made convenient to the halls of legislation, in order

that speedy access might be had to such volumes, as the members of the General Assembly may desire to consult.

The importance of a valuable Public Library it is almost unnecessary for me to present to your consideration. It is a subject on which there is no doubt, its beneficial effects are felt, not only in the extended opportunity of reading and the general diffusion of important information, but is also seen in the enlightened action of those who have been selected like you to perform the arduous and delicate duty of providing for the public, the wisest and most wholesome code of laws. To the legislator and expounder of the laws of the land, it is of the utmost importance, that every convenience should be extended in the investigation and study of the policy and success of former legislation, and in the different constructions which similar enactments have variously received.

Independent of the consideration that a public library is the most striking monument of national taste, it is the depository of means that render easy and safe the path of the legislator, that ensure the perfect attainment of the intention of the law-giver by the light which it sheds on the researches of the law expounder, and that serve to direct the action of those to whom is entrusted the administration of public affairs. This subject I cannot too earnestly recommend to your serious attention.

In the present advanced state of science, and literature copies of valuable and standing works are multiplied to an extent far greater than is necessary to supply the demand. In consequence the addition of many works, which were formerly rare and exceedingly costly can now be purchased at a rate that renders their acquisition a matter of easy and general attainment. A large and valuable library can now be collected for a sum comparatively small, and if selected with judgment will require very slight annual additions.

The necessity of restoring, as far as possible, the records of the state that were consumed in the conflagration of the state house is a subject that should urge itself upon your attention. It was an umpleasant part of my duty at the

last session to inform you of this catastrophe and of the fact that the loss of books and papers in the office of the Secretary of State was perfectly disastrous. Every effort has been made by that officer to repair as far as possible, from the records of the different counties, the loss which the public archives sustained by the conflagration and he has partially succeeded in effecting that object.

Application was made by him early in the last year to the clerk of the county court of every county in the state, for a list of all the civil county officers since the organization of their counties, and in very many instances a compliance with the request was made with alacrity and cheerfulness; from other clerks, however, no information whatever on this subject has been received, and it is a matter of deep regret that the civil history of the country, which can be gathered in a great measure only from the county records, should thus be interrupted. It is not a matter of curious enquiry to ascertain the different officers that have regulated and conducted the affairs of each county in the state since its foundation, but it frequently becomes necessary to obtain authenticated evidence from the state department of the official character of former functionaries. Where this evidence is not filed or preserved in that department, it becomes impossible that the evidence can be legally obtained, and it may happen that great individual or public loss may be sustained by the inability of the proper officer of the state to grant the necessary certificates.—To remedy this evil I would recommend that the clerks of the county courts in this state be required to furnish the necessary information to the Secretary of State, and that provision by law be made for their compensation and that those clerks who have already responded to the request of the Secretary be included in the act of compensations.

The loan for the payment of the militia in the service of the state as authorized by the act of the last General Assembly, was negotiated by the Executive with the Bank of the State of Missouri and the bonds of the State amounting to $20,000, were deposited with the bank.

The Bank, however, owing to the peculiar condition of the monetary concerns of the country was unable to furnish only one-half the amount less the interest. The report of the Paymaster-General which accompanies this communication will inform you in what manner that sum has been disbursed. The residue of the loan amounting to $100,000 less the interest. It is not in my power to inform you when it can be obtained. You will perceive, however, from the report of the Paymaster-General that the whole sum will not be required, as the aggregate amount does not exceed one hundred and seventy-two thousand dollars, the bonds of the state for the overplus can therefore be cancelled. It is hoped that the prospect of the resumption of specie payments by the Eastern banks will enable the Bank of the State of Missouri to supply the residue of the loan which may be needed to complete the payments early in the ensuing year. The amount yet due the militia is about $80,000.

I am gratified at being able to inform you that a very considerable addition has been made to the quota of arms which this State is entitled to from the general government. The annual quota allowed to the State heretofore has been "seventy muskets." In the last year from the increase of the effective militia which we have been able to report to the War Department at Washington, it has been enlarged to 520 muskets.—From the great increase of our population we may confidently calculate that the quota for the succeding year will be greatly augmented.

The State prison which was leased at your last session to the gentlemen who now have charge of it seems to be in a prosperous condition, much improvement has been made on the establishment since your last meeting—besides the extension of the wall, an additional block of cells, a brick work-shop, and a large centre building have been erected. To complete the plan of the establishment, it will require another block of cells, which will be needed before the meeting of the next General Assembly, as the number of

convicts now confined is nearly equal to the whole number of cells.

The present mode of farming out the establishment will after it is conpleted become a source of revenue to the State. The convicts are well fed and clothed, and humanely treated. The keepers and inspectors will in due time report to you the condition of the prison and its affairs to which permit me to refer you.

Since your last session, the unpleasant difficulties between a portion of the citizens of our State and the Mormons have entirely subsided with the exception of some slight interruption on our north-eastern border.—After that infatuated and deluded sect had left our State, they industriously propagated throughout the Union, the most exaggerated details of our difficulties and the foulest calumnies against our citizens. In some of our Eastern cities, missionaries of their creed were employed daily in making converts to their cause by proclaiming the cruelties which they alleged they had endured at the hands of our authorities. The report of our alleged barbarities has not been confined to our Union, but even at this day in Europe they are made the ground work of proselyting, and their orators find it to their interest to distort the facts into a persecution, which in every religious excitement that has marked the history of the earth, has always been found the most effective weapon of conversion.

In all intestine commotions, particularly when mingled with religious fervor, it frequently happens that cases occur of peculiar hardship and unusual distress, and when public sympathy is excited in their behalf, these unavoidable consequences of civil dissension may easily be magnified into barbarous cruelty—that such cases arose in the course of that difficulty, I do not doubt.—But they must be attributed to the excited nature of the contest between the parties and not to any desire on the part of our constituted authorities to wilfully or cruelly oppress them.

These people had violated the laws of the land by open and avowed resistance to them, they had undertaken with-

out the aid of the civil authority to redress their real or fancied grievances—they had instituted among themselves a government of their own independent of, and in opposition to the government of this State—they had at an inclement season of the year, driven the inhabitants of an entire county from their homes, ravaged their crops and destroyed their dwellings. Under these circumstances it became the imperious duty of the Executive to interpose and exercise the powers with which he was invested, to protect the lives and property of our citizens, to restore order and tranquility to the country and maintain the supremacy of our laws.

We owe to our reputation, both at home and abroad, the duty of cleansing every aspersion that may rest upon it. Our State character should be held equally as dear as our individual reputation and we should use the same exertions in maintaining the one as spotless as the other. Full testimony as to all the necessary facts of that controversy has been preserved or can easily be procured. Written evidence on both sides has been filed among the papers of your last session and forms a part also of the records of several of our courts. The facts as they occurred, can be presented to the world upon proof perfectly conclusive, and the reputation of our State can be rescued from reproach by an exposition of the true causes and events of the difficulties.

In recommending the publication of this testimony, I have no care about its effect upon the principles of that sect. Our constitution has given us the high privilege of religious independence, and left the worship of the Supreme to the unfettered will of every member of the community. If true the creed of that sect will ultimately triumph, if false it will "die amidst its worshipers." To explain the attitude which we have been made to assume, I would recommend the publication of all the evidence relating to the occurrence and distributing the same to the chief authorities of each State.

I beg leave to call your attention to certain portions of the law, regulating general elections in our State, which I think require correction. I would suggest that that portion

of the law which requires the sheriff to give one months notice previous to each special election, should be repealed; the matter would then be left to the discretion of the Executive. The word "*special*" was doubtless a clerical error, or an error in the publication. It should have been "*general*," and I am fortified in this opinion by the power given in the succeeding section to the Executive of directing "how many days the sheriff shall give notice of each election to fill a vacancy." As the rolls from which this law was copied, were consumed in the conflagration of the State House, no evidence of error can be adduced.

The legislature I imagine could not have contemplated such a delay in the case of a special vacancy, for it would in many instances operate very grievously. For instance in the case of a vacancy which might occur in your own body during the session, the time consumed in the transmission of the writ together with the time required by law for public notice and consumed in the receipt of the returns, would deprive the county of their representation in all likelihood during the entire session.

Another amendment which I would recommend will be called to your early attention by a case arising within the lower branch of the General Assembly. From the report of the members elect, which will be made to you by the Secretary of State, you will find that no election has taken place in the county of Warren in consequence of an equal number of votes having been given for two persons. No provision exists in our law for referring this election back to the people, the proper fountain of representative power; and the decision of the question is left, by a vagueness of expression in the law, to the joint vote of the two houses of the General Assembly. This mode of deciding a question of such moment as the representation of a county, is not only anti-republican, against the spirit of our institutions and a gross usurpation of the rights of the constituent, but also is a direct violation of the letter of our constitution, which has declared that "The House of Representatives should consist of members to be chosen every second year

by the qualified electors of the several counties." The present law of elections was with a very few alterations copied from the law of 1825 and the copyist has here omitted the few words that the former law contained providing for a contingency of this nature. By inserting in the 43d section after the words "other than" the words "those duly elected to fill the office of," the difficulty is adjusted, and the duty immediately becomes incumbent on certain county officers of ordering a new election. The omission of these words which arose probably from clerical inattention has deprived the county of Warren of its representation until such time as the legislature may provide.

I will cite these cases as instances of the great evil that may arise from the want of proper care in the final preparation of the laws and as a forcible reason why the appropriate committees should exercise the strictest scrutiny, that no error exists in your sentiments in the form which they become laws.

I regret to inform you that no distribution of the three per cent. fund has been made by the general government to this state since the year 1837 until very recently that portion accruing to this state amounting to upwards of sixty-seven thousand dollars has been placed to the credit of the treasury in the Bank of the State of Missouri, and will be distributed to the several counties under the present law, unless the legislature should otherwise direct; perhaps it would be as well to postpone the distribution until after the organization of such new counties as the legislature may in their wisdom think proper to create.

The memorial to the congress of the United States passed at the last General Assembly in relation to the trade between this country and Mexico, has produced the desired effect, a bill to establish a custom house and port of entry at Independence was introduced and passed one branch of the national legislature, and would doubtless become a law had not the great amount of business which had accumulated in the other branch have prevented it. From the very favorable reception which the subject has met with so far

in Congress we may reasonably entertain the hope that it will be accomplished during the ensuing session.

I would suggest the propriety of causing the Governor's house to be supplied with suitable furniture; there is very little belonging to it and what there is, is not of that kind suitable for the accommodation of a family. The old furniture might be disposed of at auction and the proceeds applied in aid of furnishing a new supply.

The financial concerns of the state, will at the proper time be submitted to you by the Auditor of Public Accounts and State Treasurer, to which I beg leave to refer you, and from which you discover that the amount received into the treasury during the two last fiscal years including the balance in the treasury on the 30th September, 1838, was 210,-482 33 on account of the revenue. The amount disbursed out of that sum for the same time, was $204,130 52, being an excess of receipts over the ordinary expenses of the government of $6,361 81 remaining in the treasury on the 1st day of October, 1839, belonging to the revenue, to which add the sum of $58,862 31, received from other sources, as appears by the Auditor's report will make the balance in the treasury from all sources on the 1st day of October, 1840, the sum of $65,224 17. The state debt on the 1st of October, 1840, amounted to $404,631 27, and consists of the old debt due to the Seminary and Saline funds, the Capitol loan, internal improvement loan, and the loan for the payment of volunteers and militia. This amount is exclusive of the bonds issued for the payment of the state subscription to the stock of the Bank of the state of Missouri, which bonds are balanced by an equal amount of stock held for the use of the state and for the literary funds.

It may be expected that some reference should be made by me to the subject of the bill, which was before the last General Assembly, usually known as the "currency bill." My opinion upon the subject is this—that restricting the natural rights of the citizen any further than is necessary for the safety of the community, and making that an offense in the eye of the law, which is not morally so, is exceeding

in my opinion, the legitimate powers intended to be conferred upon the legislature. Our citizens in my judgment will never sanction any law, which prevents them from taking in exchange for their property whatever they please—restrict the banks and corporations generally, but the people should be left to manage their own affairs pretty much in their own way. I think such a law as that proposed at the last session would be impolitic and impracticable. We already have a law on our statute book, imposing heavy penalties for the circulation of bank notes under the denomination of five dollars. Notes of lower denominations have been circulated freely ever since its passage, and has any one been prosecuted under that law? Not a single instance that I have heard. The law is a dead letter on your statute book, and your courts cannot or do not enforce it. It is true that in my last message to the legislature, I proposed in substance, as an alternative, either to suppress the circulation of notes under the denomination of those which our own bank was authorised to issue, or if this should be found impolitic or impracticable; then to permit our own bank to issue notes of a less denomination. Time and reflection however, have convinced me of my error, and whilst the law makes nothing but gold or silver a legal tender in the payment of debts or purchase of property, it should leave it optional with the vender or creditor, to receive his pay in any other medium, which may suit his purpose.

It is greatly to be desired that the Banks generally would limit the denomination of their notes to an amount greatly above those now in circulation, as it would have a tendency to increase the amount of specie, so as to form a sounder circulating medium for ordinary transactions; yet while the banks in other States are suffered to pursue the policy which they have hitherto done, I do not see why we should attempt to remedy the evil by placing restrictions or penalties on our own citizens—penalties which experience has proven they will not enforce.

Accompanying this communication, are a number of

documents from other States which have been by request of their public authorities placed before you.

The continued increase of population in the newly settled portions of our State call for your interference, in the behalf of those who have become settlers on the public lands since the date of the last pre-emption law. The best interests of a large number of that portion of our people who are the bone and sinew of the State, its main dependence both in peace and in war, the cultivators of the soil, demand this at your hands. I would therefore recommend to your most speedy and earnest consideration, the propriety of memorializing Congress on the subject, urging upon them, the expediency of continuing the pre-emption system, and rendering it prospective and permanent.

It will be a source of much consolation upon retiring from the administration of the government of this State, that my recommendation of a number of very important measures which are now in successful operation have met with the support and co-operation of the legislature. The establishment of a State University, the chartering a State Bank upon a specie basis and the erection of a State Capitol, are among the most prominent. Should these measures together with our system of common schools continue to receive that enlightened and liberal support from the legislature to which they are entitled, we may look forward to the day as not far distant, when our State in point of intelligence, wealth and population, as it is already in territory, will rank among the foremost in the confederacy.

Permit me now, gentlemen, through you to return my thanks to the people who have honored me with their confidence. I now bid you farewell—may the Almighty disposer of events, preside over and guide your councils, and may you always remember that "the will of the people is the supreme law."

LILBURN W. BOGGS.

CITY OF JEFFERSON, NOVEMBER 17th, 1840.

VETO MESSAGES

TO THE SENATE

DECEMBER 28, 1836

From the Journal of the Senate, pp. 160-162

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 28, 1836.

To the Senate of Missouri:

Gentlemen.—The bill for the relief of Joseph McCarty is herewith returned to the Senate, in which body it originated, with my objections. Regarding it as inconsistent, in my opinion, with the constitution.

The second article of the constitution provides, that the powers of Government shall be divided into three distinct departments, each of which shall be confided to a separate magistracy, and no person, charged with the exercise of powers, properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in instances hereinafter expressly directed or permitted. There has been much difficulty as well as diversity of opinion, in the construction of this clause of our constitution, some contending that it is merely a declaration of an abstract principle, proper to constitute a guide in the formation of a representative republican government, and others in giving it the force and effect which its position in the body of the constitution would seem to entitle it. To determine what powers properly belong to either department, has also been a perplexing question, and one which necessarily arises on this clause, in cases where the constitution itself is silent. The present case, however, is one *expressly* provided for in the constitution. The sixth section of the fourth article says, "that the Governor shall have power to remit fines and forfeitures, and except in cases of impeachment, to grant reprieves and pardons." The power of reprieves and pardons is there expressly alloted to the Executive. That the disabilities intended to

be removed by the act in question, though expressed by the words, "forfeitures and penalties," are in fact, such as would be within an executive pardon, is evident, not only by the common law signification of the term "pardon," but by the legislative interpretation that has been put on it.

The twenty-third section of article ninth of the act concerning crimes and punishments provides, when any person shall be sentenced upon a conviction of any offense, and is thereby, according to the provisions of the act, disqualified to be sworn as a witness or juror in any cause, or to vote at any election, or to hold any office of honor, profit or trust within this state, such disabilities may be removed by a *pardon* by the Governor, or by an act of the legislature and not otherwise, except in the case in the next section specified.

By the common law of England, the King's pardon removed every disability, which was a consequence of the conviction or punishment for an offense. It is true, that the power was restricted by an act of parliament, and the King was, by construction given by the courts, prohibited from the exercise of his pardoning prerogative, in cases where the disability was an express part of the judgment, but the reasons of these decisions does not seem to be applicable here, where the constitution and not the acts of the legislature are to be looked to for ascertaining the powers of each department. These statutory disabilities are, in truth, the only disabilities known to our laws, and if the Executive had not a right to remove them by pardon, his power of pardon could not extend to any disability. The parliament of Great Britain is omnipotent in that country, and has the same power, in fixing limits to the various departments of government, that is reserved by the people of this state to be exercised in convention, and which has been exercised in the formation of the state constitution.

That charter has affixed no limits to the Executive power of pardons, except in cases of impeachment. It has not limited it to the dispensing of corporeal punishment, merely, but has used the term in its unrestricted and general

sense, as known and interpreted by the common law, which is adopted, so far as it is applicable to our situation.

If then, the power of removing disabilities, is given by the constitution to the Executive department, the legislature can no more take away, or limit, or define, by resolution, or otherwise declare that certain corporeal punishments, such as imprisonments, should not be dispensed with, except by act of the legislature. This, it seems clearly, they could not do; and if the removal of disabilities is the proper subject of a pardon, it is equally clear, that the Executive only, can grant that pardon and remove those disabilities.

Most respectfully,

LILBURN W. BOGGS.

TO THE GENERAL ASSEMBLY

JANUARY 29, 1838

From the Journal of the Senate, pp. 260-262

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 29, 1839.

To the Hon. The General Assembly of Missouri:

Gentlemen—The act to establish a criminal court in the county of St. Louis was received by me on the 26th instant and after a deliberate and careful examination of it I am under the painful necessity of returning it to the House in which it originated with my objections. It is at all times unpleasant to differ with the legislative department, and I should especially distrust my own opinions on a subject in which they should conflict with the decided convictions of the legislature. But the oath imposed by our constitution leaves me no alternative than to lay frankly before you my reasons for believing that some of the provisions of this bill conflict with that instrument.

That the legislature has the power to establish inferior tribunals to our circuit and supreme courts, appears clearly from the constitution. The only question arising on this act, is whether the court proposed to be established by it is

such an inferior tribunal as was contemplated by the framers of that instrument.

I will not undertake to define the exact meaning of inferior courts, as contradistinguished from superior courts; but I suppose the most essential characteristic of an inferior tribunal is the fact, that the superior one exercises a superintending control over it. On this subject, I am not compelled to resort to legal works or legal definitions; the constitution itself describes the essential features of an inferior court. The 8th section of the 5th article provides, that "the circuit courts shall exercise a superintending control over all such inferior tribunals as the General Assembly may establish, and over justices of the peace in each county in their respective circuits."

By reference to the construction of our county courts and justices courts, the inferior tribunals doubtless chiefly in the eye of the framers of the constitution, it will be seen that this superintending control is exercised directly by the circuit courts; both by appeals and writs of error, but the act now under consideration, though it allows appeals to the circuit court places it in the power of the parties to take that appeal directly to the supreme court, thereby as I humbly conceive, rendering the appellate jurisdiction of the circuit court merely nominal. Could it have been intended by the constitution, when it gave the circuit court superintending control over these inferior tribunals that this control should only be exercised at the discretion of the parties? And is it not indeed a solecism in language, to call that a controlling power, whilst there exists another power exercising concurrent control with it, in the case alluded to, and at the same time invested with entire control over the power itself? Does not such an act evade the exercise of any real and substantial control intended to be conferred on the circuit courts; or rather does it not prove that this tribunal, named an inferior court, is only such in name, and is in reality invested with the most important branch of jurisdiction now confided to the circuit court?

I do not contend, that such a court as is now proposed,

could not be established, having all the criminal jurisdiction of the circuit court—though I do not think it very clear, that such a court could with propriety be termed an inferior court; but I am unable to see how this court constituted as it is, with a direct appeal to the supreme court, can be an inferior court within the meaning of the constitution, when the section which I have recited expressly declares that all such tribunals shall be under the superintending control of the circuit court. By this act the circuit court of St. Louis county is also indirectly divested of all control over justices of the peace in criminal cases. Appeals are allowed directly to the criminal court and may thence be taken to the supreme court and thereby prevent the exercise of any appellate jurisdiction by the circuit court.

It is clear to my mind, that the constitution contemplated only three classes of judicial tribunals—the court in the last resort, the superior courts of law and equity called circuit courts, and the inferior tribunals established in the respective counties with limited jurisdiction and entirely under the control of the circuit courts. The two tribunals first named, to wit:—The supreme and circuit courts were so constituted as to deprive the legislature of any power over the tenure of the Judges or their mode of appointment; and can the anomalous court, now sought to be created by this bill, invested with the most important branch of jurisdiction heretofore exercised by the circuit court, involving the liberty, property and lives of the citizens, be deprived of those restrictions and safeguards which the framers of the constitution thought proper to throw around a circuit court which exercise similar powers and is confined to mere civil cases? Is it a reasonable or fair construction of the constitution, that the tenure during good behavior, which has been thought by many able jurists to be the vital principle of judicial independence, and was doubtless believed to be so by the framers of that instrument, shall be evaded in the establishment of a court, possessing powers infinitely more important, than those proposed to be left in the circuit court of St. Louis county? It is not necessary or proper

for me at this time to express an opinion as to the necessity or policy of the "good behaviour" tenure—we find it prescribed in the constitution—and no superior court can be created without a recognition of that principle.

With these opinions formed upon the best deliberations I was capable of bestowing on the subject, I could not do otherwise than return this to the legislature for their further action.

I have the honor to be
With great respect,
Your ob't. serv't.,
LILBURN W. BOGGS.

SPECIAL MESSAGES

TO THE SENATE

DECEMBER 14, 1836

From the Journal of Executive Business in Senate Journal, p. 3

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 14, 1836.

To the Senate of Missouri:

Gentlemen—I hereby nominate William B. Napton, Esq. of Howard county, to the office of Attorney General of the State of Missouri, and request your advice and consent to the same.

Most respectfully
Your obedient servant,
LILBURN W. BOGGS.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1837

From the Journal of the House of Representatives, pp. 255-256

EXECUTIVE DEPARTMENT, January 7, 1837.

To the Honorable the House of Representatives:

Gentlemen—The enclosed communication and the accompanying circular, contain information that may possibly be of service to the Legislature, in the course of the discussion on the establishment of a State Bank. I have therefore thought it proper to respectfully communicate the same.

Most respectfully,
Your obedient servant,
LILBURN W. BOGGS.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 12, 1837

From the Journal of the House of Representatives, p. 272

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 12, 1836.

To the House of Representatives:

Gentlemen—I have the honor herewith to transmit to the Legislature a plan for a State House, together with an estimate of the cost of the building. The estimate is made upon a liberal scale, and it is believed that the sum of $75,000, will be sufficient to complete the building, and that the sum of $50,000 will be sufficient to complete so much of it as will be necessary for the accommodation of the next General Assembly, together with the several apartments for the state offices. All of which is respectfully submitted.

I have the honor to be
Most respectfully,
Your obedient servant,
LILBURN W. BOGGS.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1837

From the Journal of the House of Representatives, pp. 301-302

CITY OF JEFFERSON, January 16, 1837.

To the House of Representatives:

Gentlemen—In compliance with your resolution of the 5th inst. requesting the Governor to inform the House of Representatives if any, and what number of acres of Seminary lands, are due this state from the United States, showing the quantity selected and reserved for seminary purposes, and the quantity yet to select. I have now the honor to inform you, that I have taken some pains to examine the subject, and find that there have been selected and reserved for the purpose of a Seminary of Learning, within this state, the quantity of forty-five thousand four hundred

and sixty-one acres and 99-100 of an acre; and that there yet remains to be selected the quantity of six hundred and eighteen acres and 1-200 of an acre, to complete the quantity of twenty-two sections of land acquired by this state from the United States for the purpose of a Seminary of Learning. In obedience to a resolution of the seventh General Assembly, my predecessor gave direction at the office of the Surveyor General of this district, to have completed, plats including Seminary and Saline Lands, which have been reserved for the use of this state. The plats referred to, have been furnished by the present Surveyor General, with the exception of the plats of townships 25, range 14 east, and 53, range one west, which have been I suppose, inadvertently omitted. Those two townships contain 2147 acres and 89-100 of an acre of Seminary lands. I will here respectfully suggest the propriety of authorising the Executive to cause the remainder of the land due this state, for seminary purposes, to be selected and disposed of, as other similar lands.

I have the honor to be with high respect,

Your obedient servant,

LILBURN W. BOGGS.

TO THE SENATE

JANUARY 23, 1837

From the Journal of Executive Business in Senate Journal, p. 8

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 23, 1837.

To the Senate:

Gentlemen—I nominate Peter G. Glover to the office of Auditor of Public Accounts, to commence at the expiration of the term of service for which he was heretofore appointed.

I also nominate Hiram H. Baber to the office of Secretary of state for the next four years, commencing from this date.

Most respectfully,

Your obedient serv't.

LILBURN W. BOGGS.

TO THE SENATE

JANUARY 25, 1837

From the Journal of Executive Business in Senate Journal, pp. 4-5

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 25, 1837.

To the Senate:

Gentlemen—I nominate the following gentlemen, to fill the offices of Judge, in the several judicial circuits of this state:

For the first judicial circuit—*William Scott, esq.*

For the second judicial circuit—*Thomas Reynolds, esq.*

For the third judicial circuit—*Ezra Hunt, esq.*

For the fourth judicial circuit—*Priestley H. McBride, esq.*

For the sixth judicial circuit—*John F. Ryland, esq.*

For the seventh judicial circuit—*Charles H. Allen, esq.*

For the eighth judicial circuit—*Luke E. Lawless, esq.*

For the ninth judicial circuit—*Henry Shurlds, esq.*

For the tenth judicial circuit—*John D. Cook, esq.*

To which several nominations, I respectfully ask your advice and consent.

I also nominate *Austin A. King*, esq., to the office of Judge of the fifth judicial circuit, to take effect from and after the tenth of February, 1837—and respectfully ask your advice and consent to the same.

With great respect your obedient servant,

LILBURN W. BOGGS.

TO THE SENATE

JANUARY 26, 1837

From the Journal of Executive Business in Senate Journal, p. 10

EXECUTIVE DEPARTMENT, January 26, 1837.

To the Senate:

Gentlemen—I have concluded to ask leave of the Senate

to withdraw the nomination of Hiram H. Baber, for the office of Secretary of State.

I have the honor to be,

With high respect your obedient servant,

LILBURN W. BOGGS.

TO THE SENATE

JANUARY 28, 1837

From the Journal of Executive Business in Senate Journal, p. 9

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 28, 1837.

To the Senate:

Gentlemen—I nominate John C. Edwards, Esq., to the office of Secretary of State, and respectfully ask your advice and consent to his appointment.

Most respectfully,

Your obedient servant,

LILBURN W. BOGGS.

TO THE SENATE

JANUARY 28, 1837

From the Journal of Executive Business in Senate Journal, p. 11

EXECUTIVE DEPARTMENT, January 28, 1837.

To the Senate of Missouri:

Gentlemen—I nominate Foster P. Wright to the office of judge of the seventh judicial circuit of this state, and respectfully ask your advice and consent to his appointment.

Most respectfully,

Your obedient servant,

LILBURN W. BOGGS.

TO THE GENERAL ASSEMBLY

JANUARY 31, 1837

From the Journal of the House of Representatives, p. 412

EXECUTIVE DEPARTMENT, January 31, 1837.

To the General Assembly:

Gentlemen—At the request of the Board of Aldermen of the City of St. Louis, I herewith lay before you, the enclosed communication:

Most respectfully
Your obedient servant,
LILBURN W. BOGGS.

TO THE SENATE

FEBRUARY 4, 1837

From the Journal of Executive Business in Senate Journal, p. 12.

EXECUTIVE DEPARTMENT, February 4, 1837.

To the Senate:

Gentlemen—I nominate Joseph C. Brown, esq. of St. Louis county, Colonel Daniel M. Boone, of Jackson county, and Stephen Cooper, Esq. of Lewis county, as commissioners to carry into effect the act of the present General Assembly, entitled, "an act to survey and mark the northern boundary of the state," and respectfully ask your advice and consent to their appointment.

Most respectfully,
Your obedient servant,
LILBURN W. BOGGS.

TO THE SENATE

JANUARY 2, 1838

From the Journal of the Senate, p. 163

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 2, 1839.

To the Hon. the Senate:

Gentlemen—In compliance with a resolution of the Senate I herewith transmit the field notes of that part of the South boundary of the State of Missouri, which lies along the parallel of the latitude of 36 degrees, and including the operations for determining that latitude on the river St. Francois, which is all the information in possession of the executive in relation to the 4th section of an act supplementary to an act to ascertain the Northern and Southern boundary lines of this State and for other purposes.

Approved, December 23rd, 1834.

Most respectfully,
Your ob't. serv't.,
LILBURN W. BOGGS.

TO THE SENATE

JANUARY 30, 1838

From the Journal of Executive Business in Senate Journal, p. 363

To the Hon. The Senate of Missouri:

Gentlemen—I nominate James L. Minor, Esqr., of Marion county, to the office of Secretary of State, and respectfully request your advice and consent to his appointment, to take effect from and after the ninth day of February 1839.

I have the honor to be,
Most respectfully,
Your obt. servt.,
LILBURN W. BOGGS.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 1838

From the Journal of the House of Representatives, pp. 78-79

To the Hon. The House of Representatives, of the State of Missouri:

Gentlemen—In compliance with the resolution of the House of Representatives of 22d, ultimo, requesting the Governor to communicate to the House all information in his possession in relation to the recent difficulties between the people called Mormons and a portion of the people of this State, copies of all orders issued by the executive calling into service; Volunteers and militia; and for the Government thereof; and for the conduct of the military operations, with copies of all correspondence in relation to said difficulties and the military operations authorized by the Governor; I have now the honor herewith to transmit the information required including Maj. Genl. Clark's reports and a portion of the testimony taken upon the examination of the Mormon prisoners before the hon. Austin A. King Judge of the fifth judicial circuit; at Richmond in Ray county. It will be seen from the report of Genl. Clark that he has made arrangements to preserve the residue of the testimony, which when received will be transmitted to the House.

As formidable as the insurgents were represented; as they are now known to have been; still the number of troops ordered in this service may appear large. In detaching so many the executive it appeared to me every way best to send such a force as would use them into submission; a smaller number could undoubtedly have conquered and subdued the disaffected in combat, but many valuable lives would have been lost; and I did not consider that I should truly reflect the wishes and opinions of the people had I stopped to weigh the expenditure of a few thousand against the best blood of the land. I received information of the

partial interruption of the peace in Dewitt, Carroll county, whilst absent from the Seat of Government but took no order on the subject, knowing that the officer in command of the militia of that division was fully authorized under the law and had ample force, to preserve the peace. It will be seen from the report of Maj. Gen. Atchison that measures were promptly adopted by him to meet the emergency.

Immediately upon receiving intelligence of the last Mormon outrage, Gen. Atchison and Lucas, repaired to the scene of difficulties with a considerable force. Although this movement was not directed by the executive, and was unknown to him, it was justified by the circumstances, and meets his fullest approbation; much injustice, I have reason to believe has been done to this part of the command by the public press, which it is hoped a thorough investigation will make manifest to the world.

The conduct of Maj. Gen. Clark has fully justified the high expectations entertained of him by the executive, when he was assigned to the delicate and important command.

Among the papers submitted I am happy to lay before the House a voluntary tribute from the principal men amongst the Mormons, to the humanity and kindness with which he executed this disagreeable duty and to the good conduct of his troops.

The information herewith transmitted under the call of the House of Representatives, supercede the necessity of a special communication to both Houses of the Legislature, which it was my intention to have made as announced, in my message at the opening of the session, and will it is hoped be taken as a redemption of that pledge. The undersigned therefore respectfully requests that the House of Representatives at such time as they may deem convenient and proper, will cause the communication and the document submitted to be laid before the Senate for the consideration of that body. I have the honor to be most

Respectfully your ob't. serv't.

LILBURN W. BOGGS.

TO THE SENATE

DECEMBER 10, 1838

From the Journal of the Senate, p. 100

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 10, 1838.

To the Hon. The Senate of Missouri:

Gentlemen—I have the honor herewith to transmit to the Senate, a statement from Adjutant General, shewing the number of troops called into the service of the State during the present year. This statement is submitted in compliance with a resolution of the Senate.

The number and rank of the officers of the different corps cannot be furnished at this time in consequence of the returns not having as yet been received. The actual expense attending said military operations for pay of troops, &c., cannot for the same reason be ascertained; the probable amount from the best estimate I can make will not I think exceed seventy or eighty thousand dollars. By the enclosed copy of an order, which has been forwarded to the several General officers who have been engaged in the service of the State, the Senate will discover that measures have been taken by the executive to procure the necessary information, which when obtained will be submitted to the General Assembly. Copies of the orders have been transmitted to the House of Representatives, under a resolution of that body, with the documents in relation to the Mormon difficulties, which I presume were transmitted by the House with the documents to the Senate.

If by the provisions of the Constitution and laws of the United States the general Government is bound to protect each State from domestic violence, to quell insurrection, or to repel invasions and there be no doubt as to the power of the State authorities to call any portion of the Militia into service, to perform the same duties; then it is clear that the expense incurred on the part of the State by calling the Militia into service ought to be refunded by the

General Government. The policy and propriety of making an application to Congress for the purpose is left with the legislature to determine.

I am very respectfully,
Your obedient servant,
LILBURN W. BOGGS.

TO THE SENATE

DECEMBER 10, 1838

From the Journal of Executive Business in Senate Journal, p. 360

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 10, 1838.

To the Hon. The Senate of Missouri:

Gentlemen—I nominate Hiram H. Baber, to the office of Auditor of Public Accounts, and respectfully request your advice and consent to this appointment.

Very respectfully,
Yours &c.,
LILBURN W. BOGGS.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 1838

From the Journal of the House of Representatives, p. 103

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 12, 1838.

To the Hon. The House of Representatives:

Gentlemen—I have the honor herewith to transmit to the House of Representatives a statement of the number of troops called into the service of the State under the orders of Maj. Gen. Lucas, of the 4th, and Maj. Gen. Powell of the 7th division for the purpose of repelling an anticipated invasion of the Osage Indians during the year 1837, together with all the correspondence in relation to the subject.

I respectfully request of the House of Representatives whenever they may deem convenient and proper to transmit this communication with the accompanying documents to the Senate for their consideration.

I have the honor to be with high,
respect your most ob't. serv't.
LILBURN W. BOGGS.

TO THE GENERAL ASSEMBLY

DECEMBER 15, 1838

From the Journal of the House of Representatives, pp. 116-117

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 15, 1838.

To the General Assembly, of the State of Missouri:

Gentlemen—I have the honor herewith to submit to the Legislature a part of the survey of the State road from the county of Pulaski to Springfield.

Most respectfully,
Your ob't. serv't.
LILBURN W. BOGGS.

TO THE SENATE

DECEMBER 15, 1838

From the Journal of the Senate, pp. 117-118

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 15, 1838

To the Hon. The Senate of Missouri:

Gentlemen—Herewith I have the honor, in compliance with a resolution of the Senate, to transmit the report of the commissioners appointed to survey our Northern Boundary, together with the field notes and plat of the same, with all the correspondence in relation to the subject, except so much as was destroyed by the burning of the State House. That portion of the correspondence destroyed by fire, was that which was opened with the President of the

United States on the subject of the appointment of a commissioner on the part of the General Government, and requesting the services of an officer from the department of Civil Engineers of the United States.

From the information herewith communicated, it will be seen that the commissioner on the part of the United States, has been prevented from the early winter and unavoidable delays, from ascertaining all the facts necessary to so full a report, as was intended by him; and that in all probability his report will not reach here during the present session. The uncertainty as to the course Congress will adopt in relation to this subject, renders it necessary on the part of the State, to make some provision for the appointment of a commissioner to represent this State in the ascertainment of the line in question; upon the condition however, that the Congress of the United States, shall not adopt the line as ascertained by the commissioners of this State, as our true northern boundary.

I would suggest also the propriety of causing a copy of the plat and field notes herewith submitted, together with the report of our commissioners to be made out and forwarded as soon as practicable to the Secretary of State of the United States to be by him submitted to Congress.

Should the Government of the United States conclude to ratify the boundary ascertained by the State commissioners, there will be a strip of land averaging about ten miles in width along the whole extent of our northern boundary, to which the Indian title has not as yet been extinguished. In such an event, it will be highly necessary, and tend greatly to the interest of the State, that the Indian title be extinguished, as early as possible. It would be therefore proper to call the attention of the Congress of the United States to the subject.

It will be necessary, under the law authorizing their appointment, that the proceedings of the commissioners on the part of this State, should receive the sanction of the Legislature before they can be deemed of any effect. I would therefore respectfully request of the Senate that,

as soon as they have acted on the subject, the report together with the accompanying documents, be transmitted to the House of Representatives for their consideration.

I have the honor to be,
With high respect,
Your most obt. servt.
LILBURN W. BOGGS.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

DECEMBER 27, 1838

From the Journal of the Senate, pp. 169-170

EXECUTIVE DEPARTMENT, December 27, 1838.

To the Hon. The Senate and House of Representatives:

Gentlemen—I have herewith the honor of presenting to the Legislature a letter from Gen. Augustus Jones, President of the Iron Mountain company, offering to the State of Missouri the preference of subscribing for five hundred thousand dollars of the stock of said company, accompanied by a proposition of Robert T. Brown, Esq., one of the proprietors of the same. Deeply impressed with the importance of the subject and the advantages which the State would doubtless derive from making the investment, under proper regulations and restrictions imposed by law, I feel it my duty to recommend the measure to the favor of the Legislature.

Most respectfully,
Your obt servt,
LILBURN W. BOGGS.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1839

From the Journal of the Senate, p. 167

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 3, 1839.

To the Hon. The Senate and House of Representatives:

Gentlemen—I have the honor herewith to transmit to you the residue of the testimony taken before Judge King on the examination of the Mormon prisoners. I transmit a letter which I received from Judge King, which I have thought it due to the people of the upper countries to submit to your consideration.

I have the honor to be with high respect,

Your ob't. serv't.

LILBURN W. BOGGS.

TO THE SENATE

JANUARY 4, 1839

From the Journal of the Senate, pp. 172-173

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 4, 1839.

To the Hon. The Senate:

Gentlemen—In compliance with a resolution of the Senate, I herewith transmit a printed copy of a general order showing the present organization of the Militia of this State into divisions and brigades, as made on the 10th June 1837.

The loss of all the records relating to the militia which were destroyed by the burning of the State House, renders it impossible for the commander in chief to furnish the Senate the numerical number by which the regiment or extra battalion of each brigade is designated.

An order was issued to each of the Major Gen'ls. in commission to report the number of their respective regiments, to the Adjutant General, which has been in only a

very few instances complied with. I would suggest to the Senate the necessity of making some provision by law, for the ascertainment of the names, rank, and date of commission of the militia officers who were in commission previous to the burning of the capitol; and the number of the regiments, battalions, or company to which they belong; orders have been issued by the Executive without effect, to obtain this information.

It should be made the special duty of each brigade inspector to report this information to the Adjutant General, in order that he may be placed in possession of a complete roster of all the officers in commission, together with the number of the brigade, regiment, battalion or company to which they belong, and the date of their commission.

All commissions issued since the burning of the capitol, are on record in the office of Secretary of State.

I have the honor to be,
Very respectfully,
Your ob't. serv't.,
LILBURN W. BOGGS.

TO THE SENATE

JANUARY 19, 1839

From the Journal of Executive Business in Senate Journal, p. 362

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 19, 1839.

To the Hon. The Senate of Missouri:

Gentlemen—I nominate Hiram H. Baber, to the office of Auditor of Public Accounts, and respectfully request your advice and consent to his appointment.

In placing this nomination a second time before the Senate, I think it due to them and myself to state, that I have been requested to do so by Senators who voted against the nomination when it was before the Senate.

I have the honor to be,
With high respect,
Your ob't. s't.,
LILBURN W. BOGGS.

TO THE GENERAL ASSEMBLY

JANUARY 22, 1839

From the Journal of the Senate, p. 233

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 22, 1839.

To the Hon. The General Assembly of the State of Missouri:

Gentlemen—I have the honor herewith to submit for the consideration of the General Assembly a statement showing the nett dividends accruing to the State for the last half year ending the 31st ultimo: on account of the various investments of stock held by the State in the Bank of the State of Missouri, viz:

On common school fund.....	$28,290.09
„ Seminary fund.....	4,691.23
„ Stock subscribed for the use of the State and, bonus on private stock.....	17,515.81
Making in all,	50,498.13

For that portion of the dividends accruing to the common school fund there is a law providing for its re-investment, but no provision as yet has been made for the re-investment of the dividend accruing to the seminary fund. I would again most respectfully call the attention of the Legislature to the necessity and propriety of providing by law for the same. The dividends accruing to the State in stock subscribed for the use of the State, (independent of the library fund) together with the bonus, exceed considerably the amount of interest chargeable to the State upon her bonds and this excess will be increased greatly before the meeting of the next General Assembly. I should therefore suggest the propriety of enacting by law a sinking fund out of the excess of dividends accruing upon the stock subscribed for the use of the State over and above what may be necessary to pay the interest on the State bonds for the

purpose of paying off the bonds, when they arrive at maturity, by authorizing the re-investment from time to time of this excess in some profitable stock.

I have the honor to be
With great respect,
Your ob't. serv't.,
LILBURN W. BOGGS.

TO THE SENATE

JANUARY 26, 1839

From the Journal of the Senate, pp. 246-247

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 26, 1839.

To the Hon. The Senate:

Gentlemen—I have the honor to acknowledge the receipt of a copy of a resolution adopted on yesterday requesting to be informed, whether the map of the survey of the Northern boundary of the State laid before the present General Assembly was contemplated and provided for the allowance made by the Commissioners to the Engineer or Surveyors.

The Commissioners after the completion of the survey filed in the office of Secretary of State a part of the Northern boundary as required by law.

The Surveyor however requested to take the filed notes with him to St. Louis with the view of having them bound, and for the purpose of marking out a plat on a larger scale, showing its connection with the old Indian boundary, and an allowance of fifty dollars or five days additional service, was made to the surveyor, as I understand with the view of to cover the time it would take him from this place to his residence in St. Louis county. Including the above service in relation to the Platt of survey.

Most respectfully,
Your ob't serv't.
LILBURN W. BOGGS.

TO THE SENATE

JANUARY 29, 1839

From the Journal of Executive Business in Senate Journal, pp. 362-363

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 29, 1839.

To the Hon. The Senate of Missouri:

Gentlemen—I nominate William B. Napton, Esqr., to be Judge of the Supreme Court of this State, vice Robert Wash, resigned, and respectfully request your advice and consent to his appointment.

I have the honor to be,
Very respectfully,
Your ob't. s't.,
LILBURN W. BOGGS.

TO THE SENATE

FEBRUARY 5, 1839

From the Journal of Executive Business in Senate Journal, p. 364

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 5, 1839.

To the Hon. The Senate of Missouri:

Gentlemen—I hereby nominate Thomas C. Burch, Esq., of Ray county, to be Judge of the eleventh judicial Circuit, and respectfully request your advice and consent to his appointment.

Most respectfully,
Your ob't. serv't.,
LILBURN W. BOGGS.

TO THE SENATE

FEBRUARY 8, 1839

From the Journal of Executive Business in Senate Journal, p. 366

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 8, 1839

To the Hon. The Senate of Missouri:

Gentlemen—I hereby nominate James Evans, Esq., to the office of Judge of the ninth judicial circuit, and respectfully request your advice and consent to his appointment.

Most respectfully,
Your ob't. serv't.,
LILBURN W. BOGGS.

TO THE SENATE

FEBRUARY 9, 1839

From the Journal of Executive Business in Senate Journal, p. 366

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 9, 1839.

To the Hon. The Senate of Missouri:

Gentlemen—I hereby nominate David Sterigere of Franklin county, to the office of Judge of the ninth judicial circuit of this State, and request your advice and consent to his appointment.

Most respectfully,
Your ob't serv't.
LILBURN W. BOGGS.

TO THE SENATE

FEBRUARY 13, 1839

From the Journal of Executive Business in Senate Journal, p. 367

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 13, 1839.

To the Hon. The Senate of Missouri:

Gentlemen—I nominate the following gentlemen to the office of director of the board of Internal Improvement for the State of Missouri, to wit:

Robert White Esq. of the county of Scott.
George C. Sibley Esq. of the county of St. Charles.
B. F. Robinson Esq. of Cole county.
Cornelius Davy Esq. of Jackson county. and
Hugh A. Meredith Esq. of Monroe county.

And respectfully request your advice and consent to their appointment.

Most respectfully,
Your obt. svt.
LILBURN W. BOGGS.

PROCLAMATIONS

TO OFFICERS OF COUNTIES ALONG NORTHERN STATE BOUNDARY RELATIVE TO ENFORCEMENT OF LAWS

AUGUST 23, 1839

From the Register of Civil Proceedings, 1837-1852, pp. 71-75

WHEREAS a publication has appeared in the public prints of this State, purporting to be a proclamation issued by the authority and bearing the name of the governor of the territory of Iowa, declaring that a certain organic law of said territory entitled "An Act to prevent the exercise of a foreign jurisdiction within the limits of the territory" shall extend to and be in force within a certain district of land lying within the boundaries, and subject to the jurisdiction of the State of Missouri—and authorizing the arrest and trial before the Judicial tribunals of Iowa, of all persons residing within the limits of the said territory as the same have been declared, and are now illegally claimed by the said territory of Iowa—who shall "accept of any office, or who shall exercise or attempt to exercise any official functions or who Shall officiate in any office or Situation within any part of the jurisdiction of said Territory as at present declared, or within the limits of any of the Counties therein, as at this time organized by virtue of any commission or authority not derived from the Government of the United States or said Territory—admonishing all persons residing within the limits of the Said territory, as the same have been illegally extended—from the acceptance of any such office or trust—calling upon the several officers of the territorial counties bordering upon this State to be careful that the laws of the United States and of Said Territory be respected enforced and faithfully executed within the boundaries of Iowa as they are at present organized, and exhorting

all such officers to promptitude and Vigilance in the discharge of their respective duties and to be Vigilant in protecting the inhabitants who, it is pretended, reside within the limits of the said territory of Iowa, and moreover to exercise the power of arrest, within a district of country, which, since, and by the terms of the admission of the State of Missouri into the Confederacy of the United States, has been and still is subject to the authority of this State, and over which the Territory of Iowa is now seeking to extend an unwarranted and unauthorized jurisdiction, and—

WHEREAS by an act of the Congress of the United States entitled "An act to authorize the people of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States, and to prohibit slavery in certain territories" Approved March 6, 1820.—the territory of the State of Missouri has been set forth prescribed, and forever ceded by the United States to said State as the same is declared to be included within the following boundaries towit:

"Beginning in the middle of the Mississippi River on the parallel of 31 degrees of North latitude; thence west along that parallel of latitude to the St. Francois river, thence up and following the course of that river, in the middle of the main channel thereof to the parallel of latitude of thirty-six degrees and thirty minutes, thence, west along the same to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas River, where the same empties into the Missouri River; thence from the point aforesaid, north along the said meridian to the intersection of the parallel of latitude which passes through the rapids of the Des Moines river making the said line to correspond with the Indian boundary line, thence East from the point of intersection last aforesaid, along the said parallel of latitude to the middle of the main channel of the main fork of the said river Des Moines to the mouth of the same, where it empties into the Mississippi river; thence due east to the middle of the main channel of

the Mississippi River; thence down and following the course of the Mississippi River in the middle of the main channel thereof, to the place of beginning—

Which said boundaries have been ratified by, and incorporated into the Constitution of this state.

And WHEREAS by an act of the General Assembly of the State of Missouri, entitled "an act defining the northern boundary line of this State" approved February 16, 1839, it is enacted as follows:

S1. The line as run and marked out by the Commissioners appointed by this State, from the rapids of the River Des Moines to the Missouri river in the year 1837, be and the same is hereby declared the northern line of this State.

S2. This act shall take effect, and be in force from and after its passage."

Which line mentioned in the first section, as appears from the report of the commissioners, filed among the archives of this State, commencing at the rapids of the Des Moines, on the parallel of north latitude of 40° 44:06", runs with said parallel westwardly until it strikes the Missouri river—

NOW THEREFORE, I LILBURN W. BOGGS, Governor of the State of Missouri, by virtue of the authority with which I am invested by the Constitution and laws of the State, and in fulfilment of the obligation thereby imposed on me "to take care that the laws be distributed and faithfully executed throughout the State" do hereby order and command the officers, civil and military, of the Counties of this State, adjoining the northern boundary, as the same has been declared and established by the legislature of Missouri, that they cause the laws of this State to be observed and faithfully executed within the limits of their respective counties, and that if they are prevented or obstructed in the execution of any process, or the exercise of any official function by persons who claim not to be Citizens of this State and deny its jurisdiction, and authority within the limits aforesaid, that they call to their aid the power of

the County, within which they are authorized to act; and if said obstruction arises from any unlawful of three or more such persons that they report the fact to some Judge or Justice of the peace of this State, in order that a proclamation may be issued, commanding the persons thus assembled to disperse themselves, and depart peaceably to their homes and in event that such assemblage refuses to disperse when thus commanded or are armed or make forcible resistance to such officers, then said officers are hereby commanded to call to their aid, either the power of the County, or a sufficient number of the Militia or other persons in arms to disperse said assembly, arrest the offenders and maintain the authority of the Laws.

And I do further direct, and order that the officers of the Militia of the State of Missouri, as hold themselves and their respective commanders in readiness to render any assistance that may be required of them by the proper officers, in quelling any disturbance within the limits of this State, in enforcing the execution of lawful process, sustaining the civil officers in the exercise of their official functions, and in fully maintaining the dignity of this State, and the supremacy of its laws.

And I do moreover forewarn all persons residing within the limits of the territory embraced by the present boundaries of the State of Missouri as they have been established by the laws thereof, from taking upon themselves any office or public trust, or exercise any power or do any act appertaining to such office or trust without a lawful appointment or deputation therefor, from the proper authorities of this State.

And I do moreover expressly direct all officers, civil and military, of this State, while they are required to execute fully their official duties within the aforesaid limits, over which the said Territory of Iowa claims to be entitled to extend its authority, by virtue of a pretended title, and the exercise of an unlawful jurisdiction, so to conduct themselves as to create no unnecessary excitement, and to use

their utmost efforts, consistent with the requisitions of the laws of this State, to suppress any needless collision and to maintain an amicable feeling with the citizens of this State, and of the United States residing within the territory of Iowa, and in every respect in the discharge of their official functions to conform strictly and literally to the laws of this State.

In thus fulfilling the duty imposed upon me by the Constitution and laws of the State which are so ordered that no right exists, which enables the Executive to interpose its power in order to arrest or even delay the progress of the Civil Authority, until such time as the cause of the present difficulty may be removed, and that no alternative is left but to carry the laws of this State into full and complete execution. I must at the same time express my extreme regret that the peaceful and kind interchange of friendly feelings between the Citizens of this State, and the Citizens of the United States residing within the Territory of Iowa is likely soon to be harshly suspended, and that a violent severance is about to be applied to ties that should bind a people whose language, habits, pursuits and principles are the same, and whose mutual interests prompt them to be neighbours in sentiment as well as in locality. In thus declaring my individual feelings on this subject, which, I have every reason to believe, are felt generally by the Citizens of this State, I entertain the hopes that the enlightened authorities of the Territory of Iowa will permit to be offered no obstruction to the peaceable and quiet administration of the laws of Missouri within the ceded and constitutional limits of the State.

In Testimony Whereof, I LILBURN W. BOGGS, Governor of the State of Missouri, have hereunto set my hand, and caused to be affixed the
(L S) Great Seal of the State of Missouri. Done at the city of Jefferson in this State, on this Twenty-third day of August in the year of our Lord, one thousand eight hundred and thirty-nine of

the Independence of the United States the Sixty-fourth, and of this State the Twentieth.

By the Governor

JAS. L. MINOR, Secretary of State. LILBURN W. BOGGS.

FIXING DATE FOR ELECTION OF REPRESENTATIVE TO CONGRESS

SEPTEMBER 24, 1839

From the Register of Civil Proceedings, 1837-1852, pp. 76-77

To the Sheriffs of the Several Counties in the State of Missouri:— Greeting:

You are hereby commanded to cause an Election to be holden at the Several Election precincts in your respective counties, on Monday the Twenty-eighth day of October 1839. For the purpose of electing a Representative from this State to the Congress of the United States to fill the vacancy occasioned by the death of the Hon. Albert G. Harrison and that you cause at least five days notice thereof to be given in your respective Counties.

And I do furthermore direct that the returns of the said Election be forwarded to the Seat of Government from the several Counties in this State (as the law directs) without delay.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, done at the City (L S) of Jefferson, this 24th day of September, in the year of our Lord, one thousand eight hundred and thirty-nine, of the Independence of the United States the sixty-fourth, and of this State the Twentieth.

By the Governor

JAS. L. MINOR, Secretary of State. LILBURN W. BOGGS.

ON THE RESOLUTIONS RELATIVE TO THE DIFFICULTIES BETWEEN THE TERRITORY OF IOWA AND THE STATE OF MISSOURI

DECEMBER 24, 1839

From the Register of Civil Proceedings, 1837-1852, pp. 86-89

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 24, 1839.

Information has been received at this Department that the exercise of the rightful jurisdiction of the State of Missouri has been suspended over that portion of the domain of said State (which it is pretended belongs to the Territory of Iowa, by the adoption of the following preamble and resolutions, on the part of the Council and House of Representatives of the Territory of Iowa and the County Court of Clark County in this State.

"Preamble and resolutions relative to the difficulties between the Territory of Iowa, and the State of Missouri:

WHEREAS, an unfortunate crisis has arrived in the difficulties heretofore existing between the State of Missouri and the Territory of Iowa, in relation to the boundary line between the two Governments—and WHEREAS the Territory of Iowa under any circumstances, would deprecate any military collision between the forces of said State and Territory, fully believing, that the most friendly feelings exist between the great mass of the citizens of the respective parties, and whereas the organic law of said Territory rendered it impossible for the constituted authorities of said Territory to accede to the proposition hitherto made by the Citizens of Missouri, although they fully reciprocate the kind feelings evinced by the late delegation from the County Court of Clark County. Therefore

RESOLVED, By the Council and House of Representatives of the Territory of Iowa, That the officers now on duty, on the part of the State of Missouri be requested to suspend all further military operations on the part of the

Said State, until these Resolutions can be submitted to his Excellency Governor Boggs.

RESOLVED, That his excellency Governor Boggs, be requested to authorize a suspension of hostilities on the part of the State of Missouri, until the first day of July next, with a view of having the unfortunate difficulties, now existing between the State of Missouri, and the Territory of Iowa adjusted by the action of Congress.

RESOLVED, That his Excellency the Governor of Iowa be requested to suspend all further military operations, until the decision of his Excellency Gov. Boggs may be obtained relative to the propositions herein contained.

RESOLVED, That the Governor be requested forthwith to forward a copy of these resolutions to the Governor of Missouri, one to the County Court of Clark County, and copies to the officers in command on the disputed ground to be by them presented to the officers of the Missouri forces.

EDWARD JOHNSON
Speaker of the H. of Rep.
S. HEMPSTEAD
Pres. of Council."

Information has also been received at this Department, from the Sheriff of Clark County, that he is at this time imprisoned within the limits of the said Territory of Iowa, that an indictment has been found against him, and the day appointed for his trial, for the just and proper exercise of the duties of his office in a district of land over which, by the legislative action of this State, its jurisdiction has been declared.

The Executive of this State has heretofore officially expressed his personal regret that this controversy should ever have arisen, and that any collision of feelings should have been engendered between the citizens of this State and their neighbors of Iowa, between whom for mutual interest, the ties of friendship and harmony should ever remain inviolate. This regret is still entertained in a degree, heightened by the conviction from all the evidence presented that it is the

general wish that this unpleasant difficulty should be terminated.

Yet, as the Executive head of the State I feel, that by concurring in the foregoing resolutions (even conceding that I had the power) that I would do manifest and flagrant injustice to the wisdom of the Legislature of this State in the enactment of those laws which have established its jurisdiction, and in relation thereto have prescribed the duties of its executive. The resolutions request that the Governor of this State "authorize a suspension of hostilities on the part of the State of Missouri, until the first day of July next, with the view of having the unfortunate difficulties now existing between the State of Missouri and the Territory of Iowa adjusted by the action of Congress." I have heretofore expressed my conviction that the law gives me no such authority and that I am not clothed with power to authorize a suspension of military operations when they are rightfully and legally demanded to aid in the distribution and faithful execution of the laws throughout the State. It is unnecessary to repeat that that conviction remains the same, and I cannot consider a concurrence in the resolutions in any other light than a palpable encroachment on the exercise of the power of that department of this Government, to which, by the wisdom of our Constitution, the suspension of any law is wholly entrusted, and I should feel equal repugnance to approve the resolutions because thereby I am requested to concede the power that the Congress of the United States has the right to decide upon the question of boundary between the Sovereignty of Missouri and the Territory of Iowa. I must be excused from approving any act, which by any construction can for one moment admit or concede to the Congress of the United States the right of exercising any authority, not expressly derived from the constitution over a territory, to which has forever been relinquished the title of the general Government, which has been unalterably conveyed to the State of Missouri, and which is described by metes so distinct, that none but the wilfully perverse can mistake them. The Constitutional and declared limits of

this State Congress has no power to alter, for the General Government has irrevocably transferred to this State, by an act of its admission, the exercise of all sovereign power over its included territory. The General Government has no right to take from the State of Missouri one inch of its declared limits, and, in my estimation has no course left but to approve the Legislative action of this State, by which its boundaries have been finally and openly decided. The right of Missouri in this case is paramount, and the interference of any power in the exercise of its local administration, is a gross and palpable violation of its individual Sovereignty. With the action of the General Government beyond the limits of this State Missouri has no other than a general concern. Congress may, in its discretion, attach one half of Iowa to this State, or any other State or Territory of the United States, because by the act establishing the Territorial Government of Iowa, it has expressly reserved to itself that power, but even this it cannot do, so far as the State of Missouri is party, unless with its declared consent. This power it *may* exercise, but to admit that it has the right to detach any portion from the constitutional limits of this State is an acknowledgment that strikes at the essence of the mutual compact, and at the fundamental principles of our consideration.

I deem it unnecessary to enlarge upon this principle, for it is one so clearly defined, and universally acknowledged, that in all the dissensions, that have at different times disturbed the harmony of the States of this Republic, it has never been thought sufficiently dubious to warrant a controversy.

For these reasons, I do not conceive that I have any power, nor, if I had, could I in the conscientious discharge of my executive duties, concur in the resolutions submitted to me. I am constrained however to regard their adoption by the County Court of Clark County, as an evidence of the sincere desire of that body for the preservation of peace, and the maintenance of friendly feeling with their frontier neighbors, and this expression of the collected will of the

great mass of the citizens of that county deepens my regret that the constitution and my oath compel me to disregard their declared voice in order to maintain inviolate the supremacy of the law.

Now Therefore, I, Lilburn W. Boggs, Governor of the State of Missouri, do hereby express my dissent from the foregoing resolutions, which have been this day submitted to me, and hereby order that no suspension of civil or military functions under the laws of this State be allowed within its rightful limits as declared by the law thereof, and I do furthermore call upon all the officers of the State of Missouri, civil and military, that they use all legal power to prevent any violation of law, or exercise of foreign jurisdiction within the limits aforesaid, and that therein, to the full extent they exercise their respective duties, in conformity with the laws of this State.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of
(L S) Jefferson, this 25th day of December, in the year of our Lord, one thousand Eight hundred and thirty nine, of the Independence of the United States the Sixty fourth, and of this State the Twentieth.

By the Governor
Lilburn W. Boggs.

Jas. L. Minor,
Secretary of State.

AUTHORIZING TOWN OF NEW FRANKLIN TO RAISE FUNDS BY LOTTERY

November 17, 1840

From the Register of Civil Proceedings, 1837-1852, p. 16

Whereas the Trustees of the Town of New Franklin, in Howard County have this day made to me the report

required by the third article of an act of the General Assembly of the State of Missouri approved Feb. 8, 1839 entitled "An Act to amend an act to incorporate the Town of New Franklin" approved January 10, 1833.

Now Therefore, In pursuance of the provisions of said act, I Lilburn W. Boggs, Governor of the State of Missouri, do hereby authorize the board of Trustees of said Town of New Franklin to raise, by lottery, the sum of fifteen thousand dollars, which is the amount reported to me by said Board, as necessary to complete the road contemplated by the act aforesaid.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of
(L S) Jefferson this 17th day of November in the year of our Lord one thousand eight hundred and forty, of the Independence of the United States the Sixty-fifth and of this State the Twenty-first.

By the Governor
Lilburn W. Boggs.

James L. Minor,
Secretary of State.

MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

April 24, 1838

From the Register of Civil Proceedings, 1837-1852, p. 9

The Governor Offered a reward of two hundred and fifty dollars for the apprehension, and delivery to the Warden, of Alford or Alfred Hawkins a convict sentenced to the Penitentiary for life, from Carroll County, who escaped on 23rd April 1838.

June 23, 1838

From the Register of Civil Proceedings, 1837-1852, p. 19

The Governor issued a writ of election to supply the vacancy of senator from St. Louis County, Occasioned by the resignation of E. Lee, Esqr., to be held on 1st Monday in August next, directed to the Sheriff of St. Louis County.

September 3, 1838

From the Register of Civil Proceedings, 1837-1852, p. 27

The Governor issued a writ of election, to be held in Benton County, on 3rd Monday in October, it being the 15th of said month, 1838, to supply the vacancy occasioned by the resignation of Joseph C. Montgomery, who was elected to the House of Representatives from said county, at the General Election, of the present Year, writ directed to the sheriff of Benton County.

October 31, 1838

From the Register of Civil Proceedings, 1837-1852, p. 31

The Governor Ordered a new Election to be held in the County of Randolph, on Thursday 15th November 1838,

for the purpose of Electing a representative to House of Reps. of the Tenth general Assembly of this State, to supply the vacancy occasioned by the resignation of Joseph Rutherford Esqr. a member from said county, Writ Directed to the Sheriff and he required to give at least five days notice of the same.

NOVEMBER 20, 1838

From the Register of Civil Proceedings, 1837-1852, p. 35

The Governor issued a writ, requiring an Election to be held in Randolph County, on Saturday first day of December 1838, to supply the vacancy occasioned, by the resignation of Joseph Rutherford, Esqr., a member elect to the House of Representatives of tenth General Assembly. The sheriff required to give five days previous notice of said election &c.

DECEMBER 3, 1838

From the Register of Civil Proceedings, 1837-1852, p. 34

The Governor issued a writ of Election, to be held in Randolph County, to supply the vacancy occasioned by the resignation of Joseph Rutherford, a member elect from said County, to the House of Representatives of the tenth General assembly, said election to be held on Thursday, the 13th Dec. 1838.—Sheriff required to give at least two days notice of election.

AUGUST 24, 1839

From the Register of Civil Proceedings, 1837-1852, p. 70

The Governor offered a reward for the apprehension and safe delivery to the Keepers of the Penitentiary, of Ezekiel Beckman, a convict who escaped therefrom, as certified by said Keepers—of fifty dollars if the said convict be

found within fifty miles of this place, and Of One hundred dollars, if found over that distance. The convict was taken by a negro, before the proclamation issued and the reward offered.

APRIL 29, 1840

From the Register of Civil Proceedings, 1837-1852, p. 99

The Governor issued a proclamation offering a reward of two hundred dollars, for the apprehension and delivery to the sheriff of Howard County of John B. Lile, convicted of the murder of one Hiram Wilson, by the Circuit Court of said County, said Lile escaped from jail on the night of the 28th March last.

SEPTEMBER 8, 1840

From the Register of Civil Proceedings, 1837-1852, p. 110

The Governor issued a proclamation ordering an election to be held on the 2nd day of November 1840 in the Counties of Saline, Pettis and Benton, for the Election of a Senator in the Twenty-third Senatorial District, vice George Penn, resigned. Writs were sent to the Sheriff of each of the said counties, and the Clerk of Pettis County ordered to send the returns by a special messenger.

SEPTEMBER 14, 1840

From the Register of Civil Proceedings, 1837-1852, p. 111

The Governor issued a writ of Election, by proclamation, for the choice, on the Second day of November next, of a Senator from the fifteenth senatorial district composed of the County of Cape Girardeau, to supply the vacancy occasioned by the resignation this day accepted, of John Martin Senator elect from 5d Dist.

OCTOBER 19, 1840

From the Register of Civil Proceedings, 1837-1852, pp. 114-115

The Governor issued writs of election to the Sheriffs of Boone and Audrain Counties, commanding them to hold an election at the places appointed by law for holding elections on the 9th day of—November next, for the choice of a Senator of the 7th Senatorial District, vice Archibald W. Turner resigned, first giving seven days previous notice of the same.

OCTOBER 22, 1840

From the Register of Civil Proceedings, 1837-1852, p. 115

The Governor issued a writ of election to the Sheriff of Madison County commanding him to cause an election to be held at the places appointed by law for holding such elections in said County, on the 9th day of November next for the choice of a Representative from said County in the Eleventh Session of the General Assembly in the place of Nathan B. Harris, Esq. (member elect,) having resigned.

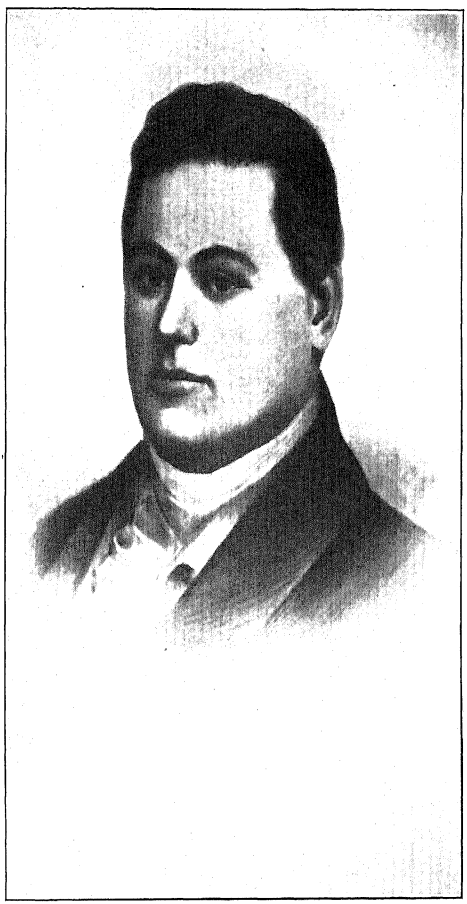
NOVEMBER 5, 1840

From the Register of Civil Proceedings, 1837-1852, p. 116

The Governor offered a reward of four hundred dollars for the apprehension of the following named fugitives, to wit, one Jand Trent charged with the murder of William Bartlett of Pulaski County, Jefferson Bromley charged with grand larceny in the County of Benton, Charles McAlexander, alias Bussell W. McAlexander, charged with forgery in River County, and John W. Thomas charged with murder and grand larceny in Pulaski City. The first named (Trent) escaped from the custody of the Sheriff of Pulaski and the three last broke from the jail of Benton County on the night

of the 29th October. The reward was offered for the apprehension of all and the delivery of the first named (Trent) to the Sheriff of Pulaski, and the delivery of the others to the Sheriff of Benton County, or one hundred dollars for the apprehension and delivery of each as above.

GOVERNOR THOMAS REYNOLDS



THOMAS REYNOLDS
Governor 1840-1844

THOMAS REYNOLDS

BY

T. BERRY SMITH

Biography resolves itself into two phases, the one dealing with the *private* and the other with the *public* life of the individual. Private life considers ancestry, posterity, education, possessions, etc., while public life deals with occupation, official relationship, environments, deeds, etc. In this sketch the order just outlined will be followed.

PRIVATE LIFE

Thomas Reynolds, governor of the State of Missouri, was born in Bracken county, Kentucky, on March 12, 1796. Concerning his antecedents but little is known. Three Reynolds brothers came to America, from either England or Ireland, prior to the Revolutionary War in which they all took part. One of them located in Virginia, one in North Carolina, and one in Pennsylvania. From the Virginia stock came Thomas Reynolds. The names of his father and mother are not known. While yet a young man he married Miss Eliza Ann Young and to this union was born one son, who was christened Ambrose Dudley. This marriage and this birth both occurred in Kentucky, probably about 1820. This son married Miss Frances Wilton Basye, daughter of Major Alfred Basye, a prominent citizen of Jefferson City, about 1843, while his father was governor. To this union there came four sons and three daughters, all of whom were born either at Fayette, Missouri, or in Jefferson City. Thomas Young was born April 22, 1845. Unmarried. In 1922 he was living in St. Louis. Rose, born about 1847, married John Stewart of Jefferson City—both dead—issue one son and three daughters. Ambrose Dudley, Jr., born about 1849, married Alma Sumptor of Howard County—both dead—issue four sons and two daughters.

Annie Eliza, born June 4, 1851, married Charles Otis Adams of Boston, Mass., May 1, 1878; he is dead; issue one son. Spencer Pettis, born March 17, 1855, married Jessie Gaw of Howard county October 5, 1880; she died in 1916; issue three sons. Rector Barton, born about 1858, unmarried, lives at Rocheport, Missouri. Leona, born September 1, 1861, married W. Scott Timmons, September 29, 1887, home, Carrollton, Missouri, issue two sons and two daughters.

Governor Reynolds must have received a liberal education in his youth, but in what schools we do not know. Neither do we know with what measure of worldy goods he was possessed when he attained his majority and left the paternal roof; but what measure of success was his during the next twenty-five years can be gathered from the evidence in his last will and testament. This is on file in Jefferson City, and also in Fayette, where it is recorded in Book 100, page 256. It was written January 6, 1844, and witnessed by James L. Minor and W. G. Minor. It was filed for record in Jefferson City on February 13, 1844. It was entered on the records of Howard County, March 8, 1916. (Where stars occur in the following excerpts, minor statements are omitted.):

1. I give to my wife, Eliza Ann Reynolds, all the land I own in Morgan county, Mo., being 680 acres * * * * purchased by me with money received from the estate of my wife's father.

2. I give to my said wife the following slaves: Maria and her five children, being Will, Jimmy, Angelina, Ellock, and Spencer Till and her child Alfred. Also slaves Esther, Tom and Sarah.

3. I give to my son, Ambrose Dudley Reynolds, all the land which I own in the counties of Linn, Howard and Boone in this State, and the lots which I own in the town of Fayette in the said county of Howard * * * * also $3,500 in cash to be paid him by my executors out of my personal assets * * * * certain personal effects * * * * and a negro man named Pete.

4. Then follow lengthy instructions and modifications in the will and to the will in reference to some contracts entered into for the erection of a "brick dwelling house and outhouse on a tract of land which I purchased of Benjamin H. Reeves, near the said town of Fayette in the said County of Howard."

5. I do hereby appoint my wife executrix and Samuel C. Owens executor of my will.

At the close of clause 2 are added these words: "To have and to hold said land and slaves to the use of my said wife forever." Alas! the irony of fate. In less than twenty years negro slavery in the United States had ceased to exist, and Ellock, wearing the blue, was keeping guard over some of his boyhood playmates, who, wearing the gray, were in a Federal prison in Arkansas.*

The two story brick mansion and two room brick cabin for slaves were completed according to the terms of the contract by Ambrose Dudley Reynolds. The building stood on a fine site about one mile north of the courthouse in Fayette. The house was destroyed by fire October 16, 1917. The street leading from the site to town is known as Reynolds street.

The date of the will, January 6, 1844, and the date of his death, February 9, 1844, would give us reason to infer that Governor Reynolds was already contemplating removing himself from his earthly pilgrimage. How this was accomplished is told in Bay's *Bench and Bar of Missouri*, pp. 345-348.

"Shortly after breakfast, on February 9, 1844, the report of a gun was heard from the executive mansion in Jefferson City, and some persons passing by at the time went into the Governor's office to ascertain the cause of it, and there they found the Governor weltering in his blood, with the top of his head blown entirely off, and of course dead. He had just before sent for a rifle, the muzzle of which he placed against his forehead and by the aid of a strong twine tied to the trigger, with one end wrapped around his thumb, he discharged it. On the table near where he fell was found a letter addressed to his most intimate friend, Colonel William G. Minor, in the following words:

"In every situation in which I have been placed, I have labored to

*Personal reminiscence of John Dickerson, Esq. of Fayette.

discharge my duty faithfully to the public, but this has not protected me for the last twelve months from the slanders and abuse of my enemies, which has rendered my life a burden to me. I pray God to forgive them, and teach them more charity. My will is in the hands of James L. Minor, Esq. Farewell.

Th. Reynolds."

"Col. W. G. Minor."

The remains of Governor Reynolds were interred in Jefferson City. From the *State Times*, under date of August 13, 1886, is quoted:

"Standing in the center of the consecrated ground is the fine monument erected to the memory of Gov. Thomas Reynolds, who died in 1844. * * * * The epitaph is arranged as follows:

"Erected by the State of Missouri
To the Memory of
GOV. THOMAS REYNOLDS
Who died Feb. 9, 1844
Aged 48 years.

He was born in Bracken county
Kentucky, March 12, 1796.
In early life he became a citizen
of the State of Illinois,
And there filled the several offices
of clerk of the House of Representatives, Attorney General, Speaker
of the House of Representatives, and
Chief Justice of the Supreme Court.
In 1829
He removed to the State of Missouri
and was successively
Speaker of the House of Representatives,
Judge of the Second Judicial Circuit,
and died GOVERNOR OF THE STATE.
His life was one of Honor, Virtue and
Patriotism, and in every situation in
which he was placed he discharged
his duty faithfully."

A fine portrait of Governor Reynolds hangs on the walls of the Mansion in Jefferson City, placed there during the administration of Governor Stone.

PUBLIC LIFE

The statements in the epitaph just quoted are an epitome of the public life of Governor Reynolds, but there must be something further said concerning one who accomplished so much in less than half a century of earthly career.

By occupation he was a lawyer, in politics a Democrat, in church affiliation a Methodist, for a time he was editor of the *Boonslick Democrat*, (the predecessor of the Fayette *Advertiser*,) in social circles he was affable, in forensic efforts he was eloquent, at the bar an excellent advocate, and on the bench a wise judge, as legislator he was active and as governor he was counted a faithful servant of the people. That he was diligent and successful in business is shown by the statements in his last will.

He was admitted to the bar in Kentucky about the time he became of age. In his early life he removed to Illinois and located in Springfield. Here he soon attracted public attention, for it is recorded that he was chief justice of the Supreme Court and judge of a circuit court of the State of Illinois from August 31, 1822 to January 19, 1825. The inscription on his monument states that he was also clerk and speaker of the House of Representatives, and Attorney General. All of these honors in Illinois came to him in a period of about ten years, for in 1829 he removed to Missouri and located at Fayette in Howard county. Here he came in contact with many able men who had been drawn to Howard county during the previous part of the 19th century.

The records of Howard county show that on October 10, 1829, Thomas Reynolds purchased from Benjamin H. Reeves and wife 160 acres of land about one mile north of Fayette, paying therefor $1,800. With him came his wife, Eliza Ann Young, and their only son, Ambrose Dudley, a lad of some nine or ten years. During the next twelve years his advancement exceeded that in Illinois. For a time he was engaged as editor of a newspaper (The *Boonslick Democrat*) and in the practice of law. But by 1832 he

was a member of the Legislature and speaker of the House. He served only one term, and was never a member of the Senate. "After leaving the Legislature he was appointed judge of the judicial circuit comprising the counties of Howard, Boone, Callaway, *et al.* In 1840 the Democratic party met in convention at Jefferson City to nominate a ticket for state officers, and Judge Reynolds was nominated for Governor almost by acclamation. * * * * He was elected over John B. Clark by a handsome majority." (Bay's *Bench and Bar of Missouri*, pp. 345-348.)

The general record of his official life as Governor may be found in the journals of the House and the Senate. In his inaugural address, November 18, 1840, he discussed the following topics:

The obligations of a public servant to his constituency, States Rights, general education, good roads, currency, corporations and their privileges, the Bank of Missouri, slavery, new counties, guarding the ballot, and concluded with an appeal for unity of action in the General Assembly, and to the Divine Ruler for His guidance and His benediction.

At a joint session of the Assembly on November 22, 1842, he again discussed these and other questions in a very forceful way. It would be interesting to quote from this strong address his views on currency, public lands, the State University, the Penitentiary, the Supreme Court, the unfinished Capitol, Indian depredations, slavery and the abolitionists, imprisonment for debt, etc., but the limits of this sketch will not permit.

The one issue of all the above, which appealed to him most strongly, was that pertaining to imprisonment for debt. With all his might and persistence he urged the enactment of a law forbidding such procedure; and though the creditor class of the State were against him, yet he finally triumphed and secured the passage of the following:

"Be it enacted by the General Assembly of the State of Missouri as follows:

"1. That no person shall, after the passage of this act, be arrested, held to bail or imprisoned on any mesne process or execution founded upon any contract of debt whatsoever.

"2. All acts inconsistent herewith are repealed. This act to be in force from and after its passage.

"Approved January 17, 1843."

The State Constitution of 1865, Sec. 29, Art. 1, reads—"Imprisonment for debt cannot exist in this State except for fines or penalties imposed for violation of law."

The Constitution of 1875, Sec. 16, Art. 2, contains the same in substance.

He considered this to be the greatest act of his gubernatorial career.

Let us conclude this sketch with the following THANKSGIVING PROCLAMATION, probably the first ever issued by a Governor of Missouri:

"WHEREAS, it is considered right and proper that we should gratefully acknowledge the goodness of GOD, displayed in the preservation of our lives, our civil and religious liberties, and our republican institutions, and for every blessing, temporal and spiritual, which we enjoy, and WHEREAS, the protection of the *State* from invasion, insurrection and intestine commotion, and the *citizens* from pestilence and plague, equally demands a return of thanks to HIM whose arm has brought this protection;

"NOW, THEREFORE, under a full sense of obligation and duty, and in accordance with the request of various religious denominations, I, THOMAS REYNOLDS, Governor of the State of Missouri, do by this public proclamation recommend to the people of the State, that, without any distinction of sect, denomination or creed, they observe Thursday, the thirtieth day of November, next, as a day of Thanksgiving to Almighty God, for his favor extended to us nationally and individually.

"Duly signed and sealed under date October 16, 1843.

"TH. REYNOLDS."

INAUGURAL ADDRESS

NOVEMBER 18, 1840

From the Journal of the Senate, pp. 33-39

Fellow-Citizens of the Senate, and of the House of Representatives:

Called by the suffrages of my fellow citizens to discharge the high and responsible duties incumbent on the chief Executive officer of the State, it becomes me, not only in accordance with a time-honored custom, but as a solemn duty which I owe to the people, whose confidence and partiality have elevated me to this exalted station, to make on this occasion a public declaration of the leading political principles by which I shall be governed in the administration of the government of the state, so far as they may relate to the Executive department; and to recommend such measures as are deemed of greatest public interest.

In a government like our own, instituted for the common welfare of the people, from whom all political power emanates, it becomes a paramount obligation on the part of the candidate for popular favor to consult, by an open exposition of his political principles, the wishes of the people, in order that the representative may reflect the will of his constituents. Actuated by this opinion, my own views in relation to the various important and interesting questions of national and State policy, which so deeply agitate the public mind, and in the determination of which are so largely involved the happiness and prosperity of our beloved country, were unreservedly communicated to the people of Missouri during the present year. That those views met with the approbation of a large majority of my fellow citizens, strengthens my confidence in their correctness, and imposes upon me the high, but gratifying responsibility, of closely adhering to their precepts in the discharge of my official duties.

The important bearing of questions of national policy on the domestic affairs of the States, seems to be universally acknowledged; whether this influence may not, at some future period, be felt to a degree not altogether consistent with that entire independence of the general government, which the States should exercise in their appropriate spheres, will depend in a great measure upon the causes which impel that influence. That the policy pursued by the general government must affect the general interests of each State, is most obvious, and is well calculated to arouse the utmost vigilance of the public mind, and render every important measure of the national government, of the deepest interest to the people of the respective states.

One of the greatest dangers apprehended from the formation of our national government, by the ardent friends of liberty, was its tendency to encroach, by almost imperceptible degrees, upon the reserved rights of the States, and thus endanger that freedom which it was designed to strengthen and protect. That such must be the tendency of the general government, unless confined within its strict constitutional limits, does not seem, to me, to admit of a doubt. Happily the government, with but few exceptions, has been administered by men who have labored to confine its action to the powers delegated, and whose political maxim was, that "whenever a question arises concerning the constitutionality of a political power, the first question is, whether the power be expressed in the constitution. If it is, the question is decided. If it is not expressed, the next inquiry must be, whether it is properly an incident to an express power, and necessary to its execution. If it be, it may be exercised by congress. If it be not, congress cannot exercise it." With this great political truth for our guide, the general government will be kept in its legitimate sphere, and the rights of the States remain inviolate.

To define the powers of the general government with that precision and accuracy, so desirable in a matter of such vast importance, is not without its difficulties and em-

barrassments; the lights however which have been shed upon the constitution by some of those enlightened minds who conducted our government through the perils of its birth, will serve to remove many of those difficulties which would otherwise embarrass its progress. That no great public inconvenience might follow from the want of power in the general government to adopt measures of manifest public utility, which were not anticipated, or from precaution withheld in the formation of the constitution, the wise and patriotic framers of that cherished instrument, provided the remedy for such inconvenience by an amendment of the constitution in a prescribed manner. If the requisite number of States could not be procured to sanction a proposed amendment of the constitution, for this purpose, it would only prove that the power asked for was not deemed of general utility.

The moment we pass the prescribed limits of the constitution, and enter the unknown region of constructive powers, that moment we cross the boundary designed by our Fathers as the barrier between liberty and unrestrained power. If ever the reserved rights of the States are lost in the over-shadowing influence of the general government, this fatal change, for the liberties of the people, will have been brought about by gradual encroachments in the shape of constructive powers. Better is it, then, for us to suffer even great inconvenience from the want of power in the national government, in a particular instance, than for a seeming present advantage to incur the danger of a subversion of the very foundation of our liberties.

By abstaining from the exercise of all doubtful powers, discountenancing all latitudinarian constructions of the constitution, and, in short, confining the action of the General Government strictly within its constitutional limits, we leave unimpaired the rights of the States, present an insurmountable barrier to all encroachments on the liberties of the people, and preserve, in its original purity, our republican form of government. It is from a knowledge of these facts, that we witness an unceasing effort, on

the part of those who are inimical to those democratical principles which are founded upon equal rights and equal laws, and which recognize no separate interests requiring the superior aid and protection of the laws, to enlarge the powers of the general government by a latitudinarian construction of the constitution, thereby producing partial legislation; the recognition of separate interests, and with them the perversion of the constitution, from those plain republican principles upon which it is based.

It is, also, our duty to keep a vigilant eye upon the action of the general government within its acknowledged powers, to see that the vast discretion which is necessarily vested therein, is not abused or perverted from its legitimate end. The people have a right to demand of their agents strict economy in public expenditures: and all public officers should be held to strict accountability in this, as well as in the discharge of their various other duties. With governments as with individuals, a proper economy in expenditures is necessary to maintain independence of character, and provide resources to meet emergencies. Extravagance in public expenditures leads to public debts, the unhappy effects of which are seen in the absence of that high toned spirit of independence, which a republican government, of all others should take a pride in maintaining; the increased burdens that are thrown upon the people particularly upon the cultivators of the soil, the largest portion of the population of our country; and in the laxity of public morals, as exhibited in legislation of a partial and sectional character.

These views are no less applicable to the states than to the general government. It is obvious that the same causes would produce the same results in the one case as in the other.

It has been well said, in reference to the general government, that "The creation in time of peace of a debt likely to become permanent, is an evil for which there is no equivalent." This wise maxim applies with equal force to the state governments, and its truth should stimulate us to the adoption

of every measure which would hasten the extinguishment of our public debt.

The encouragement of schools, and the means of education, is enjoined upon the General Assembly by the constitution. Whatever measures you may adopt for the diffusion of knowledge, consistent with the other interests of the State, will meet with my hearty concurrence.

While I recognize the benefits which would, undoubtedly, flow from the improvement of our roads and navigable rivers, and would cheerfully co-operate in any prudent system to effect so desirable an end, I cannot consistently with my present views of the impolicy of contracting large public debts, recommend the adoption of any system of internal improvement, which would impose upon the State heavy obligations of this nature. The experience of our sister States, has, in my opinion, fully demonstrated not only the impolicy, but the disastrous consequences, of adopting systems of internal improvements of a speculative character, requiring the contraction of large public debts for their construction. Much good, undoubtedly, might be accomplished, by setting apart such portions of the State revenue as might not be necessary to meet the indispensable expenses of the State, and extinguish gradually the public debt, as a permanent fund for the improvement of our roads, and removing the obstructions in our secondary rivers, and clearing the timber from their banks. Relying upon such a fund alone, it is believed that the execution of the system devised at the last session of the legislature, will be attended with an expense incompatible with our present resources; and that the State may wisely dispense, at least for the present, with most of the officers thereby created, if not entirely suspend the operation of the act.

Of the many important subjects which will, probably, claim your attention during your present session, none is of more vital interest to the whole community, than the condition of the currency. The evils of an unsound and fluctuating currency are so apparent, and so universally

felt, that it is needless to dwell upon their unhappy influence. This fluctuation is mainly the result of the operations of the suspended banks, and whether produced by design, to operate and control the elections of the country, or mismanagement, the effect is equally disastrous to the people, and calls loudly for a corrective.

The rightful authority of every State, to prescribe the kind of bank paper that shall be permitted to circulate within it, is denied by but few; it is a power the States have never surrendered, and should be exercised in such manner as to give the greatest stability to the currency. The policy that will increase the circulation of gold and silver, the standard of value, should be desired by all, and can only be attained, to any considerable extent, while banks of issue exist, by the exclusion of small bank notes, which usurp the place of the precious metals.

The people, by their representatives in 1836 decided, and that decision is yet unreversed, that the Bank of the State of Missouri, the work of their own hands, and in which they are the largest stockholders, should issue no note of a less denomination than ten dollars; and that policy would be suicidal, which would extend to the banks of other states privileges which we have denied to our own. Concurring fully in the limitation imposed upon the Bank of Missouri, I should feel myself derelict in duty to our common constituents, if I omitted, on this occasion, to urge the propriety of prohibiting by law, under suitable sanctions, the circulation of all bank paper of a less denomination than ten dollars. Care should be taken, however, to give ample time to the holders of such paper to dispose of it before the law goes into operation. The effect of the measure would be to increase the circulation of the precious metals to the extent of the paper excluded.

It is doubtless the true policy of every state, that desires a sound circulating medium, to prohibit their banks from issuing any note less than twenty dollars; but while the bank of our own state is permitted to issue notes of a

less denomination, I have felt that we would be wanting in comity to our sister states to extend the prohibition further.

The opinion is generally entertained, that the law now prohibits the circulation of all bank paper of a less denomination than five dollars; it is believed that a careful examination of the act, will render it extremely doubtful whether any paper is embraced in the prohibition, than that used by individuals. I invite attention to the subject, and to the propriety of such suitable legislation as will remove all doubt, and effectually oppress the evil. The idea that there is not sufficient virtue, patriotism, and love of good order abiding with the people, to enforce the execution of the law, is certainly a mistaken one, and ought not to be entertained. If however, it be true that in any part of the State, the election of officers, whose duty it is to prosecute all violations of the law, have been controlled, with a view to its non-execution, it is time for the legislature to apply the remedy, and vindicate the supremacy of the laws.

In connection with this subject permit me to advert for a moment to the dangerous tendency of that partial and unequal legislation, unhappily too prevalent of late, which by grants to associations from individuals, of privileges and immunities of an exclusive nature, with the ostensible design of aiding and stimulating industry and enterprise, has brought into being a combination of associated wealth, exercising by means of its exclusive privileges, its vast pecuniary resources, and its sordid appeals to the most selfish passions that find an abode in the human heart, a political influence fraught with the most imminent danger to our republican institutions. We point with just pride to these institutions as founded upon the sublime axiom, that the people are the legitimate source of all political power; we openly proclaim that our government is one of equal rights and equal laws; we acknowledge the supremacy of the laws; and yet, in the midst of us, we behold a privileged order, openly setting at defiance those very laws to which they owe their being, and impugning

every republican principle upon which our government is based. Many of those wholesome checks that in every civilized community, are imposed upon man for the protection of his fellow man, are removed from most of these moneyed corporations. In truth, they are sought for as much from that unbridled license which they generally bestow, as for the political influence they are enabled to exercise.—Wealth in the hands of those subject to the general laws of the land, is a potent instrument of either good or evil; in the hands of those not subject to those laws; it is usually, the instrument of evil rather than good. We are taught in the history of nations that popular rights, once voluntarily parted with, are not easily regained; and the history of our own times is filled with instructive lessons, of the danger of departing from fundamental political principles. May we profit by these lessons.

In making these general remarks, I am not to be understood as entertaining a settled hostility, to all moneyed corporations. If created with the view of affording facilities to exchange, rather than of furnishing a circulating medium: if their members are not exempted from the same liabilities that are imposed upon the rest of the community; and such restrictions can be thrown around them, as will effectually prevent their being used as political machines, or rendered subservient to personal aggrandizement, they will retain every useful quality, and be shorn of their present dangerous influence upon the rights of individuals, and the character of our institutions.

The legislature of Missouri, has not been il-liberal in granting acts of incorporation to private companies, for various purposes; whether these corporations have fulfilled the object of their creation: whether they have abused the powers granted, or exercised powers not given: whether they have obtained charters ostensibly, for one purpose, and then engaged in the accomplishment of very different purposes are all questions deeply interesting to the community, and worthy of strict enquiry by the representatives of the people, and if it shall be found that any of them need

the correcting hand of the law making, or law administering power, the remedy can be applied.

In view of the rapid increase of incorporated companies; the avidity with which they are sought, and the immense influence and power thereby conferred upon the few, I submit, whether it is just, or consistent with the spirit of our government and her free institutions, to exempt the members of such corporations from the liabilities imposed upon the rest of our fellow citizens. In your efforts to bring about so desirable a reformation, within the limits of our state, I tender you the zealous co-operation of the Executive.

The framers of our constitution, sensible of the evils of excessive banking, limited the power of the legislature to the establishment of one bank and five branches, and the capital to five millions of dollars; one-half of which, at least, to be reserved for the use of the state. In acting upon this subject, the legislature directed the whole of the capital stock not subscribed by individuals, to be taken by the state, and bonds to be issued therefor. They likewise pledged the faith of the state for an additional five millions when borrowed by the bank, to be loaned to the citizens, under the character of a trust fund. These measures had their origin doubtless in the best intentions, and were designed to advance the interests, and promote the prosperity of the people. But I submit to the legislature, with diffidence I confess, whether if the state do not feel sufficient interest, to aid in the creation of bank facilities, by voluntary subscription for the stock of the bank, they should be compelled to do so in their aggregate character, by subscription on the part of the state.

It is believed, that the practice of borrowing money upon the faith of the state, except for the purpose of creating banking capital, to be loaned to the citizen, has prevailed to a very limited extent, if at all, in any of the states of the Union; and its policy, unless upon extraordinary occasions and in great emergencies is well questioned. If these views should meet the concurrence of the legislature,

it will be indicated by suitable legislative provisions, unless the action of the bank shall have placed it beyond your constitutional competency, which I understand not to be the case.

If the bank had been successful in the sale of the bonds, and in borrowing the trust fund, as directed by law, the state would now be pledged on these accounts alone, and apart from the two millions and a half of the capital of the bank reserved, to the extent of upwards of seven millions of dollars. When we reflect upon the vast indebtedness of many of the states—that a large portion of these debts are held by foreigners—those foreigners are manifesting a deep interest in the result of our political elections, and are seeking to obtain from the national government a guarantee for the payment of those debts, and that their efforts find favor in many parts of the Union, we have reason to congratulate ourselves, that we can yet retrace our steps to a considerable extent, and save our constituents from the burden of a heavy debt, the bane of republics.

The foreign holders of state stocks, find their interest in a national guarantee of their ultimate payment; but that the scheme should find favor with any portion of the American citizens, familiar with the nature of our government, is calculated to awaken the most serious alarm, and is indicative of a foreign feeling and foreign influence, to which we should ever be strangers.

Against a measure conflicting with every principle of justice, expediency and the constitution of the country, I consider it the duty of the legislature, solemnly to protest.

The final adoption of that great measure of deliverance from bank dominion, the Independent Treasury, has introduced a species of legislation that should be as enduring as the liberties of the country—the exemption of the treasure of the nation, from becoming a source of profit to the bank director and the bank stock-holder, and the subjection of the officers of the government to ignominious punishment for the illegal use of the public money. The

vicious propensities of man can only be restrained, ordinarily by the penalties of the law; and I know no reason why the officers of every government, whose duty is to collect, keep or disburse the public money, should be exempt from punishment, criminally, for its illegal use. In this way only, can the state find ample protection against the ruling passion of man, "the love of money."

The fanatical spirit, which in its headlong fury would trample upon the rights of the slave-holding states, and expose us to all the horrors of a servile war, seems, yet, heedless of the voice of reason and justice, and continues to agitate and alarm the public mind, with menaces of the destruction of our domestic institutions. The institution of domestic slavery was, at the time of the adoption of our national constitution, left, exclusively, to the control of the states within whose limits it existed; and we should be wanting in self-respect, and regardless of our undoubted rights, were we to suffer the least interference with this delicate question, from any quarter. On this all-important subject, I entertain no doubt but that your acts will be fully equal to whatever emergency may arise.

My recent tour through the state afforded me the high gratification of witnessing the onward march of Missouri, toward that proud pre-eminence which ere long she is destined to occupy among her sister republics. Regions that but a few months past were covered with the deep shade of the unbroken forest, or presented the more monotonous, but not less solitary aspect of the uncultivated prairie, are now blooming with the fruits of civilization, and affording sustenance and wealth to an industrious and intelligent population.—Her exemption from many of the effects of the late disastrous revulsion in the commercial and moneyed affairs of many of the states; and her rapid increase in population and wealth, are mainly attributable to the absence of those increased bank facilities, which invariably excite to wild speculation and extravagance: to the industrious and economical habits of the people, and to that wise and beneficent policy of the general

government which secured to the hardy and patriotic pioneer of the west the right of pre-emption in the purchase of his home. It is earnestly desired that these laws, with further modification in favor of the settlers, may become a part of the settled policy of the general government in the disposal of the public domain.

While this general favored condition of the people was presented, I found many portions of our fellow-citizens laboring under considerable inconveniences resulting from the want of organized counties. It will be, doubtless, as gratifying to the legislature as to the Executive, to relieve this inconvenience, by the organization of new counties, wherever the requisite population exists.

Called as we are to administer the government, for the common good of our common constituents, we should carefully inquire if this duty cannot be best performed by that policy which will hasten, as fast as practicable, the extinguishment of the public debt: the improvement of our common roads and navigable waters; the imposition upon the people of burdens, as light as are consistent with an economical administration of the government; affording our fellow citizens an able and faithful administration of the laws, by which their contracts are enforced and their injuries redressed; and by the promotion of education and the reformation of the currency. These important inquiries will doubtless, receive due attention.

Permit me, gentlemen, in conclusion, to call your attention to the necessity of guarding by suitable provisions, the purity and sanctity of the ballot box. The recent developments in several of the States of the manner of conducting elections, and of illegal and immoral practices to obtain illegal votes; must fill the bosom of every friend to republican government with mortification and alarm, and demonstrates the necessity of new and vigorous legislation to prevent the perpetration and spread of such criminal and alarming practices. This is a question which goes beyond the temporary passions of the day, and rises above the contests and the transient supremacy of political

parties. It goes to the root of representative government itself; it goes to destroy confidence in elections; and if that is destroyed, the argument in favor of representative government is deeply impaired, and monarchists are encouraged to believe that they see approaching failure of the last experiment at self-government. Fully confiding in the virtue, intelligence and patriotism of our fellow countrymen, and believing that good men of all parties look upon the practices alluded to with indignation and alarm, and are equally anxious to prevent the spread and continuance of crimes which sap the foundation of free government, I cannot too earnestly recommend the subject to your serious consideration, with the full assurance of my hearty concurrence, in all arts, that have for their object the preservation of elections.

Finally, allow me to express the hope, that harmony and unity of sentiment may prevail in all your deliberations, and between the different departments of the government; and that your efforts to promote the interests of the people may be guided by HIM who holds in his hands the destiny of man.

THOMAS REYNOLDS.

FIRST BIENNIAL ADDRESS

NOVEMBER 22, 1842

From the Journal of the Senate, pp. 16-33

To the Senate and House of Representatives of the State of Missouri:

You have assembled at a period when the result of your deliberations will be regarded with the deepest interest by your constituents.

Since your last adjournment, a kind and beneficial Providence has continued to bestow upon us the most cherished blessings. Our climate has been unusually temperate, and the health of our citizens preserved in a remarkable degree. Abundant crops have rewarded our agricultural industry—the great increase of our exports, and the comparative diminution of our imports, exhibit a condition of trade peculiarly favorable to our State; and the increase of our population, and a renewed industry and economy among the people, have added greatly to our numercial strength and our productive wealth.

For blessings so numerous, and so essential to our happiness and prosperity, let us render our heartfelt thanks to HIM, who, in his infinite goodness, has bestowed them all.

In the enjoyment of these blessings, sufficient, it would seem, to make a free and virtuous people happy and prosperous, we are nevertheless struggling in the midst of embarrassments arising solely from artifical causes.

It will be conceded by every reflecting person, that no civilized nation can attain the full enjoyment of all its natural resources, in the absence of a sound circulating medium. Any substitute for such a medium must, from the nature of things, be temporary and partial in its benefits, and ultimately disastrous in its consequences.

The substitution of an irredeemable paper currency,

resting solely upon a credit derived from temporary and illusive causes, for the precious metals, and paper convertible at pleasure into those metals, has brought upon us a train of evils, which has inflicted the severest injury upon all the great interests of society. Men imagined that they were in possession of wealth, when, in reality, they possessed nothing but worthless promises.

Now that the mist has been dissipated, and we see nothing before us but stern reality, it becomes us to use every proper exertion to extricate ourselves from the difficulties which surround us. Strange as it may seem, there are those who contend that the remedy lies in perpetuating the evil, that, in order to extricate ourselves from embarrassments brought upon us by a vicious currency, we must lend to a similar currency the sanction of the law. One would naturally suppose that, in order to cure the disease, it would be necessary to remove the cause. Temporary expedients may give partial relief for the moment, but the invariable effect is to increase the evil, and render the remedy more difficult.

The State cannot pay the individual debts of our citizens; and even if it had the ability, and chose to exercise it, it could not do so without inflicting monstrous injustice upon the great mass of the people. Such a proposition would shock the moral sense of every upright man.

We have an industrious, enterprising and economical population. Our soil not only abounds in mineral wealth, but is admirably adapted to the cultivation of the most valuable articles of export. With such advantages, nothing but our own short-sighted policy can retard our advancement. Freed from the miserable and worthless currency, that has rested, like an incubus, upon our energies, we would find its place supplied by a sound and intrinsically valuable circulating medium. Our people would then gradually, but certainly, recover from their present embarrassments, and all would fully realize the truth of that axiom in political economy—production is the only true source of wealth.

When the State has extended to the citizen protection

of person, of property and of reputation, the enforcement of contracts and the redress of injuries, it has fulfilled its chief duties. Let these purposes be accomplished, the imposition of heavy and unnecessary burdens upon the people, and an improper interference with their contracts, avoided; let our citizens exercise forbearance, the one toward the other, and continue in the practice of industry and economy, and we will soon witness deliverance from all embarrassments.

Within the last two years, a species of banking, based upon a depreciated and irredeemable currency, unknown to the constitution and laws, and in derogation of both, has sprung into existence in this State, which if permitted to continue, must inflict upon the country all the evils incident to, and inseparable from, such a circulation.

The framers of the Constitution believed that they had effectually prohibited, within the State, the establishment of more than one bank and its branches, and the Legislature doubtless supposed they had sufficiently guarded the currency from debasement, by imposing penalties for the issue of any paper, designed as a circulating medium, except such as was authorized by law. But contrary to these salutary provisions, and regardless thereof, certain cities, towns and county courts, usurping the prerogative of the Legislature, have assumed and exercised the power of giving a currency to the State—a currency founded upon their credit alone, and of denominations as low as a single dollar.

The power of establishing banks, and authorizing the issue of a paper currency, has been regarded, hitherto, as pertaining alone to the sovereignty of the State, but it seems now to be considered, by those regardless of the laws and of the constitution, as incident to the sovereignty of county courts and town corporations.

If the General Assembly is inclined to favor this species of banking, they will, at least, so guard its exercise as to protect the people from imposition, and the currency from debasement. It is believed, however, that such gross

usurpation of power and violation of law will find no favor with the representatives of an enlightened constituency, and that they will provide such remedies and impose such sanctions as will effectually suppress the evil.

Intimately connected with this subject are the banking powers assumed and exercised by certain incorporated companies. Incorporated for very different purposes, their chief business, for a few years past, has been to receive, upon deposit, the paper of suspended banks, and discount thereon. Such, indeed, has been the extent of their banking operations, and so potent their influence, as to enable them to control, to a great extent, the whole currency of the State. Situated in our commercial emporium, and being the chief depositories, whatever they received upon deposit, the merchants of the city would receive from the merchants of the interior, the merchants of the interior from the farmers of the country, and the farmers from the purchasers of their produce. Exercising this influence, and adopting the paper of suspended banks as the standard of value, they caused nearly the whole currency of the State to consist of depreciated paper, and kept it in circulation, until, by the explosion of the banks whose paper they had received and circulated, the people lost thousands, perhaps millions, of dollars.

For the purpose of preserving inviolate the Constitution, and keeping such incorporated companies within the powers granted them, the popular branch of the Legislature, after a most rigid scrutiny into their management, at the last session passed a bill effectually to suppress their illegal banking, which, if it had become a law, would doubtless have saved the citizens of the State from a large portion of the heavy losses, that have fallen upon them by the recent depreciation of the paper of the Illinois banks. Owing however, to the late period at which it passed the House, and the consequent want of time for its due consideration, the Senate was induced to refer the bill to the present General Assembly. It is hoped that the subject will be re-

vived, and our citizens relieved from the evils of such illegal and pernicious practices.

I regret to say that, in the introduction and circulation of depreciated paper, the Bank of the State of Missouri is not without blame. Having, in the fall of 1839, and at some sacrifice, returned to the principles of legitimate banking, and having been sustained therein by the House of Representatives, who, by resolutions adopted with but two dissenting voices, declared that the Bank ought not to receive or pay out the paper of any suspended bank, the return of that institution, in the spring of 1841, to the reception of depreciated paper in payment of its debts, and upon deposit, was witnessed with some surprise, and that surprise was heightened by the fact that the change of policy was adopted so soon after the solemnly expressed opinions of the immediate representatives of the people and the election of the new directory.

It is hoped, however, that the Bank has abandoned this injurious policy, to return to it no more. But it is due to the public who are so largely interested in that institution, that the Legislature should not leave, to the discretion of any directory, so vital a question, the decision of which is so liable to be controlled by the surrounding circumstances and temporary expediency. The dealing in any and all depreciated paper ought to be prohibited by law.

If my anticipations in relation to the future action of the Bank shall be realized; if the lawless policy of the cities, county courts and town corporations shall be suppressed; if the insurance companies shall be disarmed of the power to do harm, and confined to the legitimate purposes of their creation, and all these objects are within the competency of the Legislature; and if the farmers of the country shall insist upon the species standard of value, the only standard that should ever be recognized, in the sale of the products of their farms; then, and then only, will the currency receive its purification, and the country be rid of the greatest of all evils, a fluctuating and depreciated circulating medium.

In compliance with the provisions of the 26th section of "The act to regulate elections," approved March 20, 1835, the Secretary of State, in my presence, proceeded to cast up the votes given at the last August election for representatives to the twenty-eighth Congress; and finding that John Jameson, James B. Bowling, James M. Hughes, James H. Relfe and Gustavus M. Bower had the highest number of votes, gave to those gentlemen, respectively, a certificate of election, as directed by said act. But as "the act to provide for electing additional members of Congress from this State," approved February 16, 1841, contemplated only the election in 1842, it will be necessary to make provision for future elections. In doing this, it may be material to enquire whether the act of Congress of the last session, apportioning the representation of the several States, is in restraint of your constitutional powers, or takes from you the right to regulate "the manner of holding" the elections as your own judgments may dictate.

For more than fifty years—indeed, from the foundation of the Government—has this power been exercised by the States, unrestrained by Federal legislation, and its exercise not only unquestioned, but enjoined by the Constitution. Whether they shall continue to exercise it, with the same freedom, is the question now to be solved, and upon its proper solution may depend the right of our members elect to seats in Congress.

The Constitution of the United States provides, that

"The times, places and manner of holding elections for Senators and Representatives, shall be prescribed, in each State, by the Legislature thereof, but the Congress may, at any time, by law, make or alter such regulation, except as to the place of choosing Senators."

The imperative language of this provision demonstrates that the framers of the Constitution believed that it was safest and best to confide the execution of this power, in the first instance, to the Legislatures of the respective States, and the history of that day proves that the power reserved to Congress "to make or alter" the regulations

of the States, was designed to be exercised in the event only that the States failed to exercise the power granted them, or exercised it in such a manner as to defeat the objects and purposes of the Constitution. That the States have never so exercised the power, or failed to exercise it, is evinced by the fact that Congress has never attempted any control over the subject, from the time of the formation of the Federal Constitution to its late session, notwithstanding the present mode of electing representatives has prevailed, to some extent, during the whole of that period.

Let it be conceded, however, that the power of Congress over the subject is co-extensive with that of the States, and that it may, at any time, prescribe "the times, places and manner of holding elections for representatives," still the question recurs, "have they done so?" This question is answered, it seems to me, by the enquiry, "Can the people of Missouri elect their representatives by single districts, in the present form of the act of Congress?" If they cannot, and many very intelligent citizens testified their belief that they could not, by abstaining from voting at our late election, then Congress has not "prescribed the manner of holding the election," and the only effect of their legislation is a command to the Legislatures of the States, and in the most odious form, for it not only commands them to legislate, but to legislate in a prescribed form.

It seems to be only the assertion of a truism to say, that if Congress undertake to prescribe the "time" when the election shall be held, they must name the day; if they undertake to prescribe the "place," they must designate it; and if they undertake to prescribe the "manner," and desire single districts, they must establish them. In a word if Congress is not content with the legislation of the States, and desire to alter the same, it must do so in such manner as to enable the people to exercise the right of election, without a resort to State legislation.

The greatest enemies of the rights of the States, and those most latitudinous in their construction of the Federal Constitution, admit that the Government of the United

States is one of delegated power only. If this be true, may it not be asked where is the delegation of power which authorized that government to command the States not only to legislate but to legislate in the form prescribed by Congress? Where is the clause of the Constitution that authorizes the Federal Government to *transfer* its powers of legislation to the States? Such an authority has been assumed, for the first time in the history of the Government, by the present Congress.

One of the great objects, in abandoning the articles of confederation and forming the present constitution, was to enable the Government, by her laws, to operate upon the individual citizen instead of the States in their sovereign capacities, the want of which power had been seriously felt at an early period of the Government.

Taking it, therefore, for granted, that Congress cannot command the States to execute a power, the execution of which has been expressly confided to the General Government, it may be material further to inquire, whether the provision of the act of Congress, in relation to districting the States, is not a command to their respective Legislatures, and nothing more? In determining this question, it may be proper to notice, to some extent, the history of this feature of the law.

The section, as first introduced, read as follows:

"That each State shall be divided, by the Legislature thereof, into as many districts composed of contiguous territory, as shall be equal to the whole number of representatives to which said State may be entitled in the House of Representatives of the Congress of the United States, and that each of said districts shall elect one representative."

This language was plain, unambiguous and undisguised. It was the language of the MASTER to the *servant* —"Each State shall be divided *by the Legislature thereof.*" By this we know what was intended by the mover. But it would seem that the language was too plain, too palpable; for, while in the final enactment the substance was preserved, the peculiar phraseology was changed. The fol-

lowing is the language of the second section of the act, as finally adopted:

"That, in every case where a State is entitled to more than one representative, the number to which each State shall be entitled, under this apportionment, shall be elected by districts, composed of contiguous territory, equal in number to the number of representatives to which each State shall be entitled; no one district electing more than one representative."

In this provision, the bold and authoritative command, "Each State shall be divided by the Legislature thereof," is dropped; but for it is substituted language which, though equally effectual, is more disguised. Why this change? Why is the indirect substituted for the direct command?

It is commanded that the number of representatives, to which each State may be entitled, shall be elected by districts, and yet no districts are formed by Congress. By whom, then, are the districts to be formed? The answer of all is, by the Legislature of each State. And why are they to be thus formed? Because Congress has commanded it.

Viewing, then, the action of Congress on this subject in the light of a command from that body to the Legislature of the State—a command which, under the Constitution, Congress has no right to give, and of consequence there is no obligation to obey, the right of the General Assembly to exercise its own discretion in regulating the manner of choosing representatives to the Congress of the United States, remains unimpaired and uncontrolled. To whatever end that discretion shall lead, in your legislation upon the subject, it is due to the sovereignty of the State, to the inviolability of the national constitution, and to its correct interpretation, that the General Assembly should solemnly protest against this first and alarming attempt, on the part of the Federal Government, to control, by its mandate, the legislation of the States.

I cannot pass from this subject without bringing to your notice the fact, that, in the recent congressional election, the freemen of two of the counties of this State were

deprived of all participation, by the refusal of the clerk of the county court to furnish the proper poll books. Directed by law to perform mere ministerial duties, they assumed the power of deciding upon the validity of the laws of the State, and, holding them to be annulled by the action of Congress, withheld from the people of these counties the opportunity of exercising the most valuable of all privileges, the privilege of voting. It is hoped the General Assembly will guard against the recurrence of similar acts of tyranny, and that they will not do less than declare the office of clerk forfeited for all similar violations of the elective franchise.

By an act of Congress, approved September 4, 1841, there were granted to this State, for the purpose of internal improvement, five hundred thousand acres of land, the selection to be made "in such manner as the Legislature thereof shall direct." At the last session of Congress, this act was so far modified as to authorize the Governor to make the selection without convening the Legislature. The grant is unconditional, with the exception of such land "as is or may be reserved from sale by any law of Congress, or proclamation of the President of the United States;" and except, also, that the selection shall be made upon surveyed land, and in quantities of not less than three hundred and twenty acres in any one location.

Entertaining the opinion that, under the act, land, upon which pre-emption rights existed, could be legally selected, but that good faith required that, if any such was selected, the settlers should be protected in their rights, I determined, with a view to the expense of selection, and the facility of the sales, to await the meeting of the Legislature, and to recommend that the selection be made in the "Platte country," and that the law which directed the selection should also secure to the settlers their rights of pre-emption. But in May last, I received, from the Commissioner of the General Land Office, duplicates of instructions to the registers of the land offices, copies of which are herewith communicated, declaring, under the sanction of the Secretary of the Treasury, that no land, to which a

right of pre-emption existed, could be legally selected, and that any such selection would be "nullified."

Believing this construction of the law to be erroneous, I sought, through the medium of our members of Congress, to induce the Secretary of the Treasury to revise his opinion. That officer referred the subject to the Attorney General of the United States; and, on the tenth of August, I received their final decision, adhering to the first construction. Under these circumstances, but without any change of opinion as to the construction of the act, I thought it best not to subject the settlers upon the public lands to the uncertainty and perplexity of title, and possible loss of their lands, which would arise from the opposite action of the two governments, nor the State to the embarrassment of refunding the purchase money, in the event the title, derived from a sale by the general government, should ultimately prevail. On the thirteenth of August, therefore, I appointed an agent in each of the four land districts to make the selection, and gave them the necessary instructions, copies of which are now also submitted.

As I believed it impracticable to execute the act properly and in due time, without the aid of a practical surveyor, I accordingly appointed and directed one to attend each commissioner.

The following gentlemen were appointed commissioners For the Palmyra district, Thomas Nelson, of Monroe county; for the Fayette district, John P. Morris, of Howard county; for the Lexington district, Alexander M. Robinson, of Clay county; and for the Springfield district, Charles A. Haden, of Greene county.

The information received in relation to the public land, subject to sale at the St. Louis and Jackson offices, did not, in my opinion, justify the appointment of an agent in either of those districts.

The commissioners have been instructed to close their labors for the season in time to report to me the quantity selected, by the first week of the session of the Legislature.

In causing the land to be selected, under the authority

of the act of Congress, without convening the General Assembly, or awaiting its regular session, I flatter myself that I have but conformed my action to the views of the constituted authorities of the State, and to the public will as heretofore expressed in the resolutions and memorials to Congress upon the subject of the public lands. In justification of this opinion, I would respectfully refer to the memorial to the Congress of the United States, approved February 6, 1839, asking a grant of five hundred thousand acres of the public land, and urging this donation, as an act of justice that would place Missouri, to some extent, upon an equality with other States, to which much greater quantities of land had been granted by the general government.

But a very different question, to my mind, was presented in regard to the duty of the Executive under that section of the same act of Congress, which directed that the net proceeds of the sales of the public lands should be paid "to such person or persons as the respective Legislature of the said States and Territories, or the Governors thereof in case the Legislatures shall have made no such appointment, shall authorize to receive the same."

A few days after the approval of the memorial of February 6, 1839, asking Congress the grant of five hundred thousand acres of land, the General Assembly, in a series of resolutions, protested, in the most solemn manner, against the distribution of the proceeds of the sales of the public lands among the several States. Resolutions, to the same import, have been repeatedly adopted by the General Assembly, while none of an opposite character have ever received the concurrence of the people of this State. This action of the Legislature was had at a time when the revenue of the nation was abundantly sufficient for the payment of all its expenses, and has been sustained by the enlightened judgment of the people, repeatedly expressed.

Under these circumstances, and when the national treasury was exhausted—when the federal government was borrowing millions to defray its ordinary expenses—when,

to supply the deficiency the proposed distribution would create, Congress was imposing heavy and burdensome taxes on the people, and when a large and increasing public debt was adding to the responsibilities and burdens of the nation, I could not bring my mind to the conclusion that the Executive would be conforming his action to the public will, by making the people of the State a party to an act which they had so repeatedly condemned, and which was fraught with such serious and mischievous consequences to the whole nation.

Nor were these the only reasons which induced me to delay the appointment of an agent, and await the action of the more immediate representatives of the people. The power of the general government, under the constitution, to collect taxes from the people, for the purpose of distribution among the States, has been rarely avowed; yet this monstrous and absurd doctrine receives its practical execution in the distribution of the land revenue.

For the first time in the history of our republic, we see the national government, created for very different purposes, collecting a revenue from the people for the acknowledged purpose of distribution among the states, thereby degrading them from their high and proud bearing, as free and independent sovereignties, to the abject condition of humble dependents. A more humiliating spectacle never was presented to the eyes of the American people.

The folly and utter absurdity of the measure are seen in the notorious fact, that every dollar distributed must be refunded by increased taxation upon the people, attended with the additional cost of collection. Thus the act, as a financial measure, is a mere idle ceremony, by which the money given with one hand is taken back by the other.

Whether Missouri shall continue to maintain the high and just position which she has heretofore assumed, is submitted to the wisdom of the General Assembly. For my own part, I cannot permit myself to entertain a doubt as to the result of your deliberations.

A contingency has arisen, by which the revenue, derived

from the sale of the public lands, will be, for the present, preserved to the national treasury; still I considered it due to you, and to our common constituents, that I should submit the reasons which controlled my action, and influenced me in the consideration of the subject.

The best manner of disposing of the land selected, and the compensation of the agents employed in the selection are matters submitted to your consideration. I would, however, suggest, in order to avoid the great expense of continuing officers for the sale of the land in the several land districts—an expense that will go far to consume the principal fund—that, after one public sale in each district, the remainder of the land should be subject to entry at the office of the Register of Lands.

I trust I may be pardoned the suggestion, that, if there are any persons who have settled upon any of the land selected, they be protected in the purchase of their homes, at the minimum price of the public lands. The favorable consideration which the settlers have ever received at the hands of the General Assembly of Missouri, forbids the idea that they will be overlooked in this instance.

If it is desirable to appropriate the proceeds of the sales of the selected lands to internal improvement, as provided in the grant, I would respectfully submit the expediency of applying a portion thereof to the improvement of the navigation of the Osage and North Grand Rivers. While the greater number of our citizens are supplied with ample water communication by means of the Missouri and Mississippi rivers, nearly the whole of the southwestern portion of the State is dependent upon the navigation of the Osage, which, while unimproved, can only be available, to any considerable extent, for a small portion of the year.

If, however, it shall be the pleasure of the Legislature to divert this fund, or any portion of it, to objects other than those contemplated by the grant, it will be necessary to obtain the previous assent of Congress.

I invite the attention of the Legislature to the existing laws for the collection of the tax upon land, and respectfully

suggest such modifications as will equalize the burdens between resident and non-resident proprietors, and insure the more prompt payment of the taxes. While the personal property of the resident is liable to be seized and sold by the collector, in default of the payment of the tax upon his land, the non-resident is exempt from all distress on that account, and is allowed years within which to discharge his liabilities to the State.

One of the evils of the present system is the increasing quantity of land upon which the taxes are not paid. Since the passage of the present law, the non-resident delinquent list has swelled to such an extent as to embrace the enormous quantity of more than *two millions of acres*, the taxes upon which are unpaid. Another of the evils attending the exemption of land from sale for taxes, is that the quantity returned is increasing, while the amount of payments upon such lands is annually diminishing. In proof of this, I need only state the fact, that, of 485,819 acres returned in 1835, the taxes upon 297,908 acres thereof have been paid; while of 685,926 acres returned in 1841, the taxes have only been paid upon 73,888 acres.

Another imperfection of the system is found in the fact, that all the lands which become forfeited to the State for the non-payment of the taxes, are subject to taxation for county purposes, and the amount thereof required to be paid to the counties, out of the State treasury. This will become, in a few years, exceedingly burdensome to the treasury.

By far the greatest portion of the lands, upon which the taxes are not paid, are owned by non-residents, many of whom have purchased largely for speculation, and the justice of exempting them from burdens, imposed upon our own citizens, is not perceived. The only mode of enforcing the payment of taxes is by selling the property of the delinquent; and to this remedy the personal property of the resident is subject, while the only property of the non-resident, subject to the jurisdiction of our laws, is exempt from sale. True, after a certain number of years, his land, in default

of the payment of the tax, is declared forfeited to the State; but it is known that this forfeiture is but nominal, there being no provision for its sale by the State, and the Legislature extending the time of its redemption from year to year. The effect of the whole system indeed seems to be but little less than an exemption of the land of non-residents from taxation.

In connection with this subject, I would respectfully suggest that the expenses, incident to the assessment and collection of the revenue, might be considerably reduced, and the taxes more properly adjusted, by slightly increasing the tax upon land, and exempting from taxation such portions of personal property as are unproductive to the owner.

In the course of the present year, much embarrassment has been experienced in the collection of the revenue, in consequence of the failure of several of the sheriffs to give bond as required by law. As the sheriffs are ineligible at the expiration of their second term, and the only penalty for a failure to give bond is a forfeiture of the office, they delay, in many instances, to give bond until the termination of their office, and then, when there is nothing to forfeit, utterly refuse to enter into the required obligation. To remedy this inconvenience, and to compel such officers to perform their duties, suitable penalties should be imposed, and if it is thought best, let the duties of the collector commence upon the coming into office of the new sheriff, instead of on the first day of January, as now provided by law.

If the collection of the revenue in any of the counties renders the office of sheriff too onerous, the county courts of all such counties could be required to appoint a collector.

The law regulating the duties of assessors is defective, and required amendment. The penalty of the bond, which they are required to give, has proved wholly inadequate, in many instances, to enforce the proper performance of their duties.

From the influence of interested counsels, or a mistaken sense of duty, the assessors of forty-three counties failed to execute the act imposing a tax upon money loaned at inter-

est, and money invested in the purchase of bonds and notes, for the year 1841. This failure was the less excusable, as the Auditor of public accounts furnished the assessors, in due time, with the proper construction of the act, and informed each that it was to be executed for that year. In some of the counties there has been a failure to execute the act for the present year.

If it is desirable to derive revenue from the objects mentioned in the act—and it is presumed that none will insist that the money lender should be exempt from a tax upon his capital, while the property less productive is taxed in the hands of the poorest citizen,—justice requires that those counties which were not assessed in 1841 and 1842, should be assessed for those years. If this is not done the counties which have been assessed for those years would seem to have a just claim to be reimbursed the amount they have paid into the treasury; and this cannot be done without a breach of the public faith, those funds having been set apart and pledged for the payment of the interest upon the bonds authorized to be issued at the last session of the Legislature.

The act, it is believed, will not be properly executed, unless the persons assessed are required to disclose, upon oath, the amount loaned at interest, and invested in the purchase of notes, nor will there be an uniformity of assessment unless it is made the duty of the assessors to conform to the instructions of the Auditor, at the peril of removal from office.

The Auditor will, in due time, furnish you with a list of the counties in which there has been failure to execute the act.

If the present revenue laws are not revised and corrected, the financial affairs of the State will be subjected to great embarrassment.

By the fifth section of the "act supplementary to the several acts, providing for the levying, assessing and collecting the revenue," approved February 16, 1841, it was made the duty of the Executive to employ counsel to in-

stitute suit, in behalf of Uriah S. Gregory, late collector of Clark county, against those persons by whom he was arrested and imprisoned, while in the discharge of the duties of his office. I did not doubt, from the several provisions of the act, that the object of the Legislature was to obtain the decision of the Supreme Court of the United States, upon the question of boundary between this State and the Territory of Iowa. With this view of the object of the law, I employed the Hon. Luke E. Lawless to institute the proper suits, in the event there was a certainty of obtaining such decision. Judge Lawless, after an interview with Mr. Gregory, and a full investigation of the whole question, gave it as his opinion that there was no certainty of obtaining a decision, by the Supreme Court, upon the question of boundary, and in this opinion I fully concurred.

The opinion of Judge Lawless was predicated upon the facts, first, that as the sheriff who arrested Mr. Gregory resided in Iowa, the suit against him would have to be instituted in the courts of that Territory, and there was no certainty that his plea would be so shaped as to present, or admit of being presented, the question of boundary, the Governor of that Territory having declined any aid in producing that result. Second: It was extremely doubtful whether, if the suit was determined against Mr. Gregory in the court below, he could make the affidavit necessary to its removal into the Supreme Court. Indeed, it was believed that he could not.

In addition to these facts, I believed it highly probable, the trial necessarily occurring before an Iowa jury, that the defendant would rest his defence upon the plea of not guilty, and rely upon a verdict for nominal damages. But conceding that he would shape his pleas as to admit of the question of boundary being replied by the plaintiff, yet that being in part, a question of fact, it was to be presumed an Iowa jury would decide it against us, and the refusal to grant a new trial not being considered by the Supreme Court matter of error, we would still be without remedy in that court.

These considerations induced me not to incur the expense incident to the prosecution of a suit, without the further sanction of the Legislature.

For the professional services of Judge Lawless, there has been allowed and paid the sum of two hundred dollars. He, however, considers this amount an insufficient consideration. It will afford me pleasure to furnish any information in my possession which may be considered necessary to aid you in the consideration of this question.

Since the passage of the law under consideration, the House of Representatives of the Congress of the United States have deemed it within their competency to declare by law, the boundary between this State and the Territory of Iowa. The bill, however, did not become a law, for the want of the action of the Senate. Satisfied that Congress has no power to alter the boundary of any State, without the assent of such State the only effect, if any, such a declaration could have, would be to influence the judicial tribunals before which the question of boundary might come. Surely Congress cannot desire, in this indirect mode, to forestall the judgment of its own courts.

Let the considerations, however, which controlled the House of Representatives, be what they may, the State owes it to herself to remonstrate against any attempt, on the part of Congress, to deprive her, in any manner, of any portion of her territory.

The attention of the General Assembly is especially invited to the provisions of the "act to provide for the institution and support of a State University, and for the government of colleges and academies," and to the propriety of such modifications of the act as will bring the institution in its government, more within the power and control of the State—its patron and founder. It certainly never could have been the design of the Legislature to place the government and control of this institution, which has received a public endowment of one hundred thousand dollars, in the hands of men wholly irresponsible to the State. Yet such are the provisions of the law, that the curators, who are

chosen by, and are responsible to, the General Assembly, have no voice in the appointment of a single Professor, their powers being exhausted in the appointment of a President of the University.

The appointment of Professors is claimed and exercised by the trustees of the Columbia College—a private institution, incorporated long anterior to the establishment of the University—a body of men responsible to no power—indeed, a self-perpetuating body—they have a right to choose their own successors. However intelligent and competent such a body of men may be, yet it is inconsistent with the nature of a State institution that it should ever be committed to hands over whom the State has no control, and in whose selection it has no voice.

The expediency of the organization and government of colleges and academies, separate and distinct from the government of the university, is exceedingly questionable, and it is believed that that portion of the law may with propriety be repealed. When this is done, and the curators are empowered to employ the necessary professors, confer the usual honors, and prescribe the course of study, the university will become, what it was designed to be, a State institution.

The future management of the penitentiary will be an important subject for your deliberations. The term of the present lessees will expire on the fifteenth of February next, and it is important that a system for its government should be matured by that time. It is scarcely to be presumed that the General Assembly will again place this institution under the management of private individuals, without reserving to the State an efficient control over those having it in charge; and such control cannot be efficient, unless it embraces the power of removal for a disregard of duty or violation of the law.

Whatever system may be adopted, I would respectfully urge the propriety of confining the convicts to labor within the walls of the prison.—A contrary policy, is at war with the nature and design of the penitentiary system.

The present mode of employing the convicts in the various mechanical branches, is highly injurious to a most useful and meritorious class of citizens. It is believed that a very large proportion of the prisoners can be more profitably employed in the manufacture of some of the staple products of the State, thereby affording a market for the farmer, without prejudice to the mechanical interests of any portion of the State.

A strong inducement to an economical administration of the affairs of the penitentiary would be found in making the compensation of the keeper payable, to a certain extent, out of the net proceeds of the institution.

It will be necessary to make provision for the erection of an additional number of cells, as the present number is far exceeded by the number of convicts. I would suggest the propriety of so constructing them as to admit but one convict, the association of the prisoners being deleterious to their morals, and prejudicial to their management.

Within the last four years, the convicts have increased, from forty-four, to about one hundred and fifty, and they are still rapidly increasing. If the future policy of the State shall require the permanent continuance of the penitentiary system, the period is not remote when it will become necessary to provide for the erection of an additional institution of this character. When this necessity shall arise, the interest of the State, it seems to me, would demand its location in the vicinity of St. Louis. It is certain that the convicts could be much more profitably employed near that city than in the interior of the State, and, it is believed, that the amount expended in transporting the convicts from St. Louis, whence most of them come, to the seat of government, would go far towards the erection of the new prison.

The concentration of the sessions of the Supreme Court, at one point, has been a subject of frequent discussion and deliberation, and, in relation to which, the public mind has hitherto been much divided. The subject will doubtless be revived at your present session, and its correct determination will have a lasting influence upon the future character

and usefulness of that department of the government. Uniformity and ability of decision is of vital importance in the administration of the law, and it is believed that these qualities cannot be attained in so eminent a degree, while the time of the judges of that court is employed in performing the whole circuit of the State, at least twice in each year.

If the interests or convenience of the people required the continuance of the present system or if the expense of litigation was lessened thereby, the argument in favor of concentration would be greatly weakened. But neither of these results flow from its continuation. The only questions discussed and decided in the Supreme Court, are questions of law arising upon the record. Neither parties nor witnesses are required to attend that court, nor is their attendance at all necessary. Counsel, it is true, must be employed and paid, and so it is under the present system, unless the practice has changed in the last few years.

As neither the interest nor convenience of the people require the continuation of the present system, and as the concentration of the court will afford greater uniformity and ability of decision, and consequently a more perfect administration of the law, the reason for a failure to avail ourselves of these advantages is not perceived.

Justice to the Register of Lands requires that I should call your attention to the inequality that exists between the compensation of that officer and the other officers of State.

The labor of the office of Register requires, and has required, from the time of its creation, the constant employment of one clerk, and occasionally two, in addition to the daily labor of the Register himself. It is believed that the largest portion of the labor of the Auditor's office devolved upon the Register, while the annual salary of the latter is only one-third, in amount, of that of the former.

It is true that the Register is allowed some perquisites of office, but these are insufficient to pay clerk hire, and must continue to diminish, from the fact that the expenses incurred by those, who pay their taxes at the treasury, will cause them to make payment in the proper counties.

It should be remembered that the duties of the Register have been greatly increased by the increased quantity of land subject to taxation, and that the duties of the office are various, arduous, and complicated. It is, therefore, but an act of justice to place that officer upon an equality, in compensation, with the other officers of the State, at least, that his compensation should bear a just proportion to the labor of the office.

I respectfully submit to the General Assembly the propriety of reimbursing to the Register the amount he has found himself obliged to expend in the employment of clerks.

I would suggest, also, that many of our citizens find it much more convenient to pay their taxes at the treasury than to the collectors of the different counties. It would, therefore, seem but just that they should be permitted to do so, without being burdened with the Register's fee upon each tract.

Sensible of the great injury that might result to the State from the further continuance of the thirty-fourth and thirty-seventh sections of the act entitled "An act to charter the Bank of the State of Missouri," approved February 2, 1837, pledged as the faith of the State subsequently was for the ultimate payment of whatever sum might be obtained under the latter section, the General Assembly, at its last session, conditionally repealed those sections, and I am happy to inform you that the private stockholders, in the manner provided by said act, unanimously ratified the repeal, and that the certificate of their ratification is now on file in the office of the Secretary of State.

By the repeal of these sections, we are saved the anomaly of a State borrowing money to be loaned to the individual citizen, and the constitutional provision, which limits the capital of the Bank to five millions of dollars, strictly preserved.

The condition of the treasury and the interest of the people imperiously demand that the laws, in relation to costs in criminal cases, should be so modified as to be less burdensome upon the treasury. In the two last fiscal years, there

has been paid at the treasury, for costs in criminal cases, the sum of $42,999.81, and the claims now outstanding, and not paid, for the want of an appropriation, amount to the sum of near ten thousand dollars, making the whole amount of expenditure on this account alone, exceed the sum of fifty thousand dollars.

This burden upon the treasury must be reduced, or a resort to increased taxation is inevitable. It is presumed that you will not long hesitate between the alternatives.

In view of the great expense heretofore attending the military operations of the State, I cannot too strongly urge the propriety of regulating by law the compensation of every officer hereafter engaged in active service. The compensation provided by the laws and regulations of the United States, and which we have adopted, is, in most instances, excessively extravagant and entirely disproportioned to the services required.

I respectfully submit to the General Assembly the propriety of adopting a scale of compensation to such officers as may be called into actual service by the authority of the State, and so regulating it, that there can arise no misapprehension as to the amount of pay, and no difficulty in its ultimate liquidation.

The financial condition of the State will be communicated to you by the Auditor of Public Accounts. From his report, it will be seen that there has been paid into the treasury, from the ordinary sources of revenue, for the two last fiscal years, exclusive of the balance in the treasury, on the 30th September, 1840, the sum of $266,518.81, and that the disbursements at the treasury for the same period amount to the sum of $233,930.16; leaving a balance in the treasury on the 30th September, 1842, of $32,588.65.

This excess over the balance in the treasury on the 30th September, 1840, is produced, in part, by the collector of the county of St. Louis depositing monthly, the amount of revenue collected, instead of reserving the whole amount, as heretofore, until his annual settlement on the first of December.

The bonds authorized to be issued by the act entitled "An act to issue State bonds to pay the State debt," approved February 15, 1841, were disposed of at par after being made to bear ten per cent. interest per annum. This was the lowest rate of interest at which the bonds could be sold.

The most of these bonds, having been sold in the city of New York, and payment for them made there, the amount of premium upon the exchange, $5,219.66, was passed, by the Bank of the State of Missouri, to the credit of the State, and has been applied to the payment of the interest upon the bonds.

The seven per cent. bonds, issued under the authority of the act supplementary to the previously recited act, were purchased by the contractors upon the capitol, there being no other persons proposing to purchase them.

The amount realized from the sale of the ten per cent. bonds has been disbursed in the manner directed by the act authorizing their issue, except a small balance remaining in the hands of the Paymaster General.

Sufficient time having been allowed for the payment of the troops engaged in the service of the State, and ample opportunity afforded them to apply for and receive their pay, I thought it best that the accounts of those who had not applied should be audited and paid at the treasury, instead of continuing the services of a salaried officer for that purpose. I accordingly discontinued the services of the Paymaster General, and now submit the propriety of directing that officer to pay whatever balance may be in his hands, into the treasury, and of providing for the payment of those upon the pay roll, who have not received their pay, at the treasury.

Considering the large amount to be disbursed by the Paymaster General and the extensive scope of country over which he had to pass, I advised that officer to employ an additional guard, and now recommend that it be allowed to him in the settlement of his accounts.

I regret to inform you that the fund set apart and

pledged for the payment of the interest upon the bonds authorized to be issued at the last session of the Legislature, has fallen far short of the amount anticipated. This failure has resulted, in part, from the neglect of many of the assessors to execute the law imposing a tax upon money loaned at interest, and upon money invested in the purchase of notes and bonds, and to which I have before alluded. The deficiency has been met by the Bank, out of the revenue deposited with it, to cover which there should be a special appropriation.

The faith of the State, which should forever remain untarnished, requires that the interest upon the bonds should be promptly met; and I am well satisfied that this can be done, if my recommendations in relation to the assessment and collection of the revenue, and to costs in criminal cases, shall receive the favorable consideration of the Legislature.

There is a considerable sum due the Bank for interest upon money advanced to the State for the erection of the capitol, the pay of the troops, and for internal improvement. Although these loans were not made in accordance with law, yet, as the State received and applied the money, it seems to be due to the Bank that the interest, at least, should be promptly paid, and it is hoped that suitable provision will be made for this purpose.

The capitol is yet in an unfinished state, the appropriation for its completion being insufficient. It is believed that the sum of seven thousand dollars will amply supply for that object; which the Legislature, I doubt not, will take pleasure in appropriating.

The great cost of this building, and the value of the other property of the State in this city would seem to suggest the propriety of an appropriation for the purchase of a suitable fire engine for its preservation. Indeed, such a precaution is considered absolutely necessary for the preservation of the public property.

The important subject of general education has, for many years, received the favorable attention of the Legislature, and produced the enactment of laws that have been

considered as best calculated to promote the encouragement of common schools. The system established by our present laws, is one that has been generally adopted by States where the cause of Education has received its warmest patronage, and though it has been imperfectly tested in Missouri, yet I have no doubt that it will, whenever it is fairly tried, receive the hearty concurrence of those who are required to carry it into execution. I cannot too earnestly recommend to the General Assembly the continuence of the system in its present form. The people of the country are beginning to understand its details, and to enjoy its benefits; and its abandonment now would not only embarrass the progress of general education, but seriously discourage the efforts of its friends.

The Superintendent of Common Schools will in a short time make to you the report required by law, and I respectfully refer you to his statements for details and plans of improvement.

Since the adjournment of the last session of the General Assembly, the State has received from the general government, as the quota of arms due for the year 1841, six brass field pieces, with the proper carriages, accoutrements, &c. These guns, which are six-pounders, are now in the custody of the Quartermaster General, at this place, and are fine specimens of the skill of our American artists. The quota due the State for the year 1842, will be received in cavalry arms, with the necessary equipments.

For further particulars on this subject, and for the number of arms belonging to the State, I refer you to the statement of the Quartermaster General herewith communicated.

There have also been received from the general government, two boxes containing complete sets of weights and measures, prepared in compliance with a resolution of Congress, with a view to the establishment of an uniform standard throughout the United States. As we have a statute regulating weights and the contents of measures, which are made uniform throughout the State, I leave to your con-

sideration the expendiency of so revising the law, as to cause a comparison to be made between those now used by the several county courts, and those received from the general government.

The protection of our western frontier continues to be a subject of deep and abiding interest to the people of this State. The policy of the general government, by which the Indians are concentrated upon our borders, imposes upon that government the duty of affording us ample protection against their inroads. This obligation, which has always been but imperfectly discharged, is now rendered of more difficult performance by the substitution for the second regiment of dragoons, of a force much less efficient. Cavalry alone can be made available against the Indians, in our great western prairies.

I would therefore urge upon the General Assembly the importance of expressing fully the views of the State upon this interesting subject.—Your timely interposition may arrest the change of policy contemplated, and save the citizens from the consequence of sudden irruptions by the savages that hover upon our borders.

Recent events have satisfactorily shown that the slaveholding citizens of this State are constantly exposed to the depredations of organized bands of abolitionists, residing in sister States, who seize every opportunity to seduce slaves from the service of their masters, and then aid them in making their escape into non-slaveholding States, and often providing the means of conveying them into the British colonies. Although I am satisfied that such offences are properly punishable as larceny, yet as some members of the legal profession have expressed a contrary opinion, I would respectfully urge the propriety and necessity of placing this question, by suitable enactments, beyond all doubt, and providing such penalties as will put an end to the increasing evil. The penitentiary for life, seems a punishment scarcely too severe for the perpetrators of such atrocious offences.

Accompanying this communication you will receive a number of documents which have been forwarded to me from

the several States, and from individuals, with the request that they be laid before the General Assembly and to which I invite your attention.

I must again bring to the notice of the General Assembly the extraordinary fact, that, while our own bank is prohibited from issuing any note of a less denomination than ten dollars, the banks of other States are permitted to circulate within our limits, with impunity, notes of the lowest denomination. This glaring absurdity should be tolerated no longer.

I had the honor of inviting the attention of the General Assembly to this subject in my inaugural address, and of expressing my full concurrence in the limitation imposed upon the Bank of Missouri. I beg leave now to renew the recommendations then made, and to urge upon the Legislature the impolicy and injustice of extending to the banks of other States, privileges which we deny to our own.

The circulation of all paper under ten dollars ought to be prohibited by law, or the Bank of Missouri should be permitted to issue notes of a less denomination.

It is understood that some of the courts of the United States have decided that the act of Congress "to establish a uniform system of bankruptcy throughout the United States," supersedes the insolvent laws of the several States. If this is the effect of that act, it will be well for the Legislature to consider the propriety of abolishing imprisonment for debt in this State. The effect of continuing the power to imprison for debt, will be to force every debtor, unable to pay his debts, to take the benefit of the bankrupt law, or to remain in prison at the mercy of his creditor.

It is presumed that the baneful effects of the bankrupt act will, at no distant period, induce its repeal; but it is unwise and unjust that during its continuance, debtors should be forced into the federal courts, at an enormous expense, to find relief from imprisonment, which must be their condition while the bankrupt act remains in force, unless the laws authorizing imprisonment for debt are repealed. This subject is commended to your serious consideration.

In conclusion, permit me to tender to you my hearty co-operation in all measures calculated to promote the public good, and to invoke that spirit of harmony in your deliberations, so essential to the successful termination of your labors.

TH. REYNOLDS.

CITY OF JEFFERSON, NOV. 22, 1842.

SPECIAL MESSAGES

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 26, 1840

From the Journal of the House of Representatives, pp. 78-79

EXECUTIVE DEPARTMENT, November 26, 1840.

To the House of Representatives:

Gentlemen—In compliance with the resolution of the House, requesting the Governor "to lay before the House all the information he may have in relation to the conduct of General Z. Taylor, in the battle of Ochee-Chobee, and whether any means have been adopted to obtain redress, as contemplated by certain resolutions passed by the last General Assembly, and approved, February 13th, 1839."

I have the honor to state that the only information in possession of the Executive in relation to the conduct of General Z. Taylor in that battle is contained in the testimony taken by the committee of the General Assembly at the last session, and which is herewith communicated.

The action of the Executive in the execution of the duties contemplated by the resolution referred to, will be found in the letter addressed by the Governor to the President of the United States, a copy of which is likewise communicated.

As the House may desire to know the measures taken by the President of the United States, in consequence of the letter of the Governor, I transmit the letter of the Secretary of War, being the only one recorded on that subject. As I send the original letter, retaining no copy, it is desired that it be preserved and returned to the Secretary of State, when the House shall have no further use for it.

Very respectfully,
Your ob't serv't,
T. H. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 1840

From the Journal of the House of Representatives, pp. 113-114

EXECUTIVE DEPARTMENT, December 4, 1840.

To the House of Representatives:

Gentlemen—I have received from the Governor of Virginia, a communication which is herewith transmitted, addressed to this Department, under a resolution of the General Assembly of that State, directing the Governor "to open a correspondence with the Executive of each of the Slaveholding States, requesting their co-operation in any necessary and proper measures of redress which Virginia, may be forced to adopt," in consequence of the refusal of the Executive of New York, to surrender certain fugitives from Justice, upon proper demand made, with a request that the subject be brought to the consideration of the Legislature. It appears from the communication that certain persons were charged with having stolen within the jurisdiction of Virginia a slave, the property of a citizen of that State, and with having fled to the State of New York, and that upon demand made for the surrender of the fugitives by the Governor of Virginia, the Governor of New York, refused compliance upon the ground, that as slavery is not recognized by the laws of New York, the stealing of slaves cannot be considered a crime within the meaning of the constitution of the United States; in other words, that slaves are not the subject of larceny.

The final decision of the Governor of New York upon this delicate and interesting question may eventually affect equally the interests of the citizens of Missouri as those of Virginia, and indeed, the interests of the citizens of the whole of the slaveholding states, and demands, in my estimation, a full and free expression of their opinions.

The constitution of the United States declares, that "a person charged in any State with treason, felony or other

crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime." Under the provision of the constitution, only three questions arise: first, is the person charged with the commission of treason, felony or other crime? Secondly, did he flee from justice? And lastly, is he found in the State from the Executive of which he is demanded? If these facts concur, the Executive is bound to surrender the fugitive, or incur the guilt of a violation of the constitution.

If the position be true that the word "crime" as used in the Constitution should be construed to embrace such offences only as are denominated crimes by the laws of the State to which the fugitive has fled, then is the Executive of the criminal code of one State, made to depend upon the laws of another, the very evil the constitution was intended to remedy. Whether a crime has been committed must be determined by the laws of the State where its commission is alleged; but, Governor Seward, first inquires whether the act complained of in Virginia, if committed in New York, would by the latter State be considered criminal, and if not, denies to Virginia the right of reclaiming the fugitive, and thus defeats the execution of her criminal laws.

It will be seen that the position assumed by the Governor of New York, that slaves are not the subject of larceny is an indirect avowal, and can only be predicated upon the idea, that slaves are not property, a conclusion forbidden by the national constitution, the constitution and laws of the several slaveholding States, subversive of some of our most important rights, and cannot be submitted to in silence. If the same doctrine should prevail with the non-slaveholding States contiguous to us, they will not only become the receptacle of felons, but of the slaves that may escape our service, and that too, without the power of reclamation.

The proceedings of the General Assembly of Virginia, to which the Governor of that State alludes, have been

communicated to you, I presume, by my predecessor. The whole subject is submitted to your consideration, with the full assurance, that it will receive the attention due to its importance.

Very respectfully,
Your ob't serv't,
TH. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 1840

From the Journal of the House of Representatives, p. 114

EXECUTIVE DEPARTMENT, December 7, 1840.

To the House of Representatives:

Gentlemen—In answering the call for information as to the number of troops called into service during the last and present years, I informed the House, that the Adjutant General would open a corrrespondence with the officer commanding the 14th Division, with a view of obtaining the information sought. He has done so, and the enclosed reply of Gen. Willock, furnishes all the additional information, which I presume can be obtained.

Very respectfully,
Your ob't. serv't.,
TH. REYNOLDS.

TO THE SENATE

DECEMBER 10, 1840

From the Journal of the Senate, p. 99

EXECUTIVE DEPARTMENT, December 10, 1840.

To the Senate:

Gentlemen—The "act for surveying and marking out a State road from the mouth of the river Des Moines, to Paris, in Monroe county," directs the commissioners to forward to this office one of the plats of said road, and that the Governor

lay the same, before the General Assembly. In compliance with that act, I now have the honor, of transmitting, herewith, the plat of said road, forwarded by the commissioners, suggesting the propriety of depositing it in the office of the Secretary of State, when the two houses shall have no further use for it. Very respectfully,

Your ob't serv't,

THO. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 1840

From the Journal of the House of Representatives, p. 146

EXECUTIVE DEPARTMENT, December 12, 1840.

To the House of Representatives:

Gentlemen—I have the honor to transmit herewith for your consideration, certain resolutions of the Legislature of the State of Vermont, addressed to this department.

Very respectfully,

Your ob't serv't,

TH. REYNOLDS.

TO THE SENATE

DECEMBER 30, 1840

From the Journal of the Senate, p. 145

EXECUTIVE DEPARTMENT, December 30, 1840.

To the Senate:

Gentlemen—In compliance with a resolution of the Senate, requesting the Governor to furnish the amount due, if ascertained, to the volunteers and militia in the service of the state arising out of the Mormon difficulties, including in that amount what has already been paid of the same, I have the honor to communicate herewith, the report of the Postmaster General, which contains the information desired.

It will be observed, that the call of the Senate, does not embrace the amount paid, and the amount yet due, the troops engaged in the Osage difficulties; as this information may be desirable, I will state, that from a report of the Paymaster General now before me, it appears that there has been paid to the latter troops, the sum of $11,032.00, and that there is yet due the sum of $10,114.91.

In answer to that portion of the Senate's resolution, which asks to be informed of "the amount due by the State, if ascertained, growing out of the difficulties relative to the northern boundary:" I would respectfully state, that all the information on that subject, in possession of the Executive, has been communicated to the House of Representatives. It is contained in reports from the Adjutant and Quartermaster Generals, and the commandant of the 14th division, and is with the committee on the militia. It is presumed the Senate can have access to those documents, if not, I will cause those officers to furnish duplicate reports in due time, and submit them to the Senate.

I have the honor to be,

Very respectfully.
Your ob't serv't,
THO. REYNOLDS.

TO THE SENATE

DECEMBER 31, 1840

From the Journal of the Senate, p. 146

EXECUTIVE DEPARTMENT, December 31, 1840.

To the Senate:

Gentlemen—In compliance with the resolution of your body of the 30th inst., I have the honor of communicating herewith, the copy of the report of the Paymaster General called for.

Very respectfully,
Your obedient serv't,
THO. REYNOLDS.

TO THE SENATE

DECEMBER 31, 1840

From the Journal of the Senate, p. 146

EXECUTIVE DEPARTMENT, December 31, 1840.

To the Senate:

Gentlemen—In compliance with the resolution of your body, adopted on the 29th inst., I have the honor of communicating herewith, the enumeration of the inhabitants of the State of Missouri, as taken by the Marshal for the district of Missouri, together with the statistical information required by the Act of Congress, all of which, have been politely furnished by the Marshal, Dr. James R. Relfe. I have the honor to be,

Very respectfully,
Your ob't serv't,
THO. REYNOLDS.

TO THE SENATE

JANUARY 1, 1841

From the Journal of the Senate, p. 153

EXECUTIVE DEPARTMENT, January 1, 1841.

To the Senate:

Gentlemen—The resolution of the Senate, requesting the Governor, to furnish copies of the contracts made by his predecessor, with the Bank of the State of Missouri, for monies authorized to be borrowed under several acts authorizing loans to meet the expense of the Capitol, Internal Improvements, and pay volunteers and militia, in the service of the State, together with all other information on the same subject, "in possession of the Executive, or any of the offices of State," has been referred to the Auditor, Treasurer, and Secretary of State, and the replies of those officers, with the accompanying documents, which are

herewith communicated, contain all the information, "in possession of the Executive, or any of the offices of State."

With great respect,

Your ob't sv't,

THOMAS REYNOLDS.

TO THE SENATE

JANUARY 1, 1841

From the Journal of the Senate, p. 153

EXECUTIVE DEPARTMENT, January 1, 1841.

To the Senate:

Gentlemen—At the request of the Governor of the Territory of Iowa, I herewith communicate for the consideration of the legislature, a memorial to Congress, adopted by the Legislature of the Territory of Iowa, on the subject of the improvement of the Mississippi river.

Very respectfully,

Your ob't serv't,

THO. REYNOLDS.

TO THE SENATE

JANUARY 25, 1841

From the Journal of the Senate, p. 243

EXECUTIVE DEPARTMENT, January 25, 1841.

To the Senate:

Gentlemen—The information desired by your resolution of this day, will be found in the communications of the Secretary of State and Treasurer, which I have the honor herewith to transmit.

Very respectfully,

Your obedient serv't,

THO. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1841

From the Journal of the House of Representatives, p. 325

EXECUTIVE DEPARTMENT, January 27, 1841.

To the House of Representatives:

Gentlemen—In compliance with the request of the Executive of Indiana, I herewith transmit a joint resolution of the General Assembly of that State, on the subject of amending the constitution of the United States.

Very respectfully,

TH. REYNOLDS.

TO THE SENATE

JANUARY 28, 1841

From the Journal of Executive Business in Senate Journal, p. 415

EXECUTIVE DEPARTMENT, January 28, 1841.

To the Hon. The Senate:

Gentlemen—I hereby nominate Bedford Brown, of North Carolina, to the office of Commissioner, to run and mark the Northern boundary line of this State, and respectfully ask your advice and consent to his appointment.

Very respectfully,

Your obedient serv't.,

THO. REYNOLDS.

TO THE SENATE

FEBRUARY 1, 1841

From the Journal of the Senate, p. 279

EXECUTIVE DEPARTMENT, February 1, 1841.

To the Senate:

Gentlemen—In compliance with the request of the Governor of the State of Indiana, I have the honor to transmit herewith, a joint resolution of the General Assembly of

that State, "relating to the election of President and Vice President of the United States," for your consideration. Permit me to request, that when the subject shall have received the consideration of your honorable body, this communication and the accompanying document, may be transmitted to the House of Representatives.

Very respectfully,
Your obedient serv't,
THO. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1841

From the Journal of the House of Representatives, p. 341

EXECUTIVE DEPARTMENT, February 2, 1841.

To the House of Representatives:

Gentlemen—I have received a communication from a committee appointed by the Bank of the State of Missouri to examine into the condition and State of the debt due the Bank by the State of Missouri, with a request that I will bring the subject to the notice of the Legislature. In compliance with that request, and deeply impressed with the necessity of early action upon the subject, whereby the bonds referred to may be made available for the accomplishment of the object of their issue, and that with the present rate of interest they will not command purchasers, I herewith transmit to the House the communication of the committee, and ask for it an early consideration.

Very respectfully,
TH. REYNOLDS.

TO THE SENATE

FEBRUARY 3, 1841

From the Journal of Executive Business in Senate Journal, p. 416

EXECUTIVE DEPARTMENT, February 3, 1841.

To the Senate:

Gentlemen—I hereby nominate P. Hill Engle, to be

Judge of the St. Louis Court of Common Pleas, and respectfully ask your advice and consent to his appointment.

Very respectfully,
Your ob't serv't,
THOS. REYNOLDS.

TO THE SENATE

FEBRUARY 3, 1841

From the Journal of Executive Business in Senate Journal, p. 417

EXECUTIVE DEPARTMENT, February 3, 1841.

To the Senate:

Gentlemen—I hereby nominate Luke E. Lawless, to be Judge of the Eighth Judicial Circuit, and respectfully ask your advice and consent to his appointment.

Very respectfully,
Your ob't serv't,
THOS. REYNOLDS.

TO THE SENATE

FEBRUARY 3, 1841

From the Journal of Executive Business in Senate Journal, p. 418

EXECUTIVE DEPARTMENT, February 3, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate James A. Clark, to be Judge of the eleventh Judicial Circuit, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your obd't. serv't,
THOS. REYNOLDS.

TO THE SENATE

FEBRUARY 4, 1841

From the Journal of Executive Business in Senate Journal, p. 418

EXECUTIVE DEPARTMENT, February 4, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate Samuel M. Bay, to be Attorney-General, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your obd't serv't,
THOS. REYNOLDS.

TO THE SENATE

FEBRUARY 5, 1841

From the Journal of Executive Business in Senate Journal, p. 419

EXECUTIVE DEPARTMENT, February 5, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate David R. Atchison, to be Judge of the twelfth Judicial Circuit, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your obd't serv't,
THOS. REYNOLDS

TO THE SENATE

FEBRUARY 6, 1841

From the Journal of Executive Business in Senate Journal, p. 420

EXECUTIVE DEPARTMENT, February 6, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate Charles S. Yancey, to

be Judge of the thirteenth Judicial Circuit, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your ob't. serv't,
THOS. REYNOLDS.

TO THE SENATE

FEBRUARY 6, 1841

From the Journal of Executive Business in Senate Journal, p. 420

EXECUTIVE DEPARTMENT, February 6, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate Charles H. Allen, to be Judge of the fourteenth judicial circuit, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your ob't. serv't,
THOS. REYNOLDS.

TO THE SENATE

FEBRUARY 6, 1841

From the Journal of Executive Business in Senate Journal, p. 420

EXECUTIVE DEPARTMENT, February 6, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate John Heard, to be Register of Lands, and respectfully ask your advice and consent to his appointment,

Very Respectfully,
Your ob't serv't,
THOS. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1841

From the Journal of the House of Representatives, p. 375

EXECUTIVE DEPARTMENT, February 8, 1841.

To the House of Representatives:

Gentlemen—I have received from the Governor of the State of Alabama, a copy of the joint resolutions of the Legislature of South Carolina, in relation to the Georgia and Maine controversy, accompanied with the request that I would lay them before the legislature of Missouri. They are accordingly herewith transmitted for your consideration, with a request that when they shall have received your consideration that they be laid before the Senate.

Very Respectfully,

THOMAS REYNOLDS.

TO THE SENATE

FEBRUARY 11, 1841

From the Journal of Executive Business in Senate Journal, p. 422

EXECUTIVE DEPARTMENT, February 11, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate James Russell, John K. Walker, Stephen Lanham, and Henry McCullough, to be justices of the county court, in and for the county of St. Louis, and respectfully ask your advice and consent to their nominations.

Very Respectfully,

Your ob't serv't,

THOS. REYNOLDS

TO THE SENATE

FEBRUARY 11, 1841

From the Journal of Executive Business in Senate Journal, p. 422

EXECUTIVE DEPARTMENT, February 11, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate Bryan Mullanphy, to be Judge of the eighth judicial circuit, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your ob't serv't,
THOS. REYNOLDS.

TO THE SENATE

FEBRUARY 13, 1841

From the Journal of Executive Business in Senate Journal, p. 424

EXECUTIVE DEPARTMENT, February 13, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate John D. Leland, to be Judge of the second judicial circuit, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your ob't. serv't,
THOS. REYNOLDS.

TO THE SENATE

FEBRUARY 13, 1841

From the Journal of Executive Business in Senate Journal, p. 424

EXECUTIVE DEPARTMENT, February 13, 1841.

To the Hon. the Senate:

Gentlemen—I hereby nominate Hiram H. Baber, to be Auditor of Public Accounts, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your obedient serv't,
THO. REYNOLDS.

TO THE SENATE

FEBRUARY 16, 1841

From the Journal of the Senate, p. 406

EXECUTIVE DEPARTMENT, February 16, 1841.

To the Senate:

Gentlemen—Although I have approved a bill for issuing State bonds, yet I would respectfully suggest the propriety of the passage of an explanatory act. The act directs the Governor to issue the bonds and deliver them to the bank, but from its language, leaves it somewhat doubtful whether the executive or the bank is to act as agent for the sale of the bonds. The act also provides, that the bonds shall not bear a greater rate of interest than ten per cent., thereby devolving it upon the executive, to fix the rate of interest, and this must be done before the bonds are delivered, and it would seem that they are to be executed and delivered to the bank immediately. The act should also direct the manner of drawing and disbursing the money included for the payment of the troops, which it omits to do. The act of last session, only provided for the distribution of the money obtained under that act.

Very respectfully,
Your ob't serv't,
THOS. REYNOLDS.

TO THE SENATE

NOVEMBER 24, 1842

From the Journal of the Senate, p. 38

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 24, 1842.

To the Hon. the Senate:

Gentlemen—The Cashier of the Bank of the State of Missouri having transmitted to me a transcript of such portions of the journal of the board of directors as were

designated by the examing committee, I have the honor to transmit to your honorable body a copy of those proceedings, the transcript sent to me having been communicated to the House of Representatives.

Very respectfully,
Your ob't. serv't.,
THOMAS REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 24, 1842

From the Journal of the House of Representatives, p. 46

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 24, 1842.

To the Honorable the House of Representatives:

Gentlemen—I have the honor of transmitting herewith a transcript of such portions of the journal of the board of Directors of the Bank of the State of Missouri as were designated by the examining committee.

Very respectfully,
Your obedient servant,
TH. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 25, 1842

From the Journal of the House of Representatives, pp. 57-58

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 25, 1842.

To the House of Representatives:

Gentlemen—Since my communication to you at the opening of the session, I have received a letter from the acting Secretary of the Treasury, informing me that the accounting officers have adjusted the accounts of the several States and territories, under the act of Congress, entitled, an act to appropriate the proceeds of the sales of the public

lands, and to grant pre-emption rights, approved, September 4, 1841. And that the sum of $20,996.81, (including the additional ten per cent,) has been found due to the State of Missouri, which will be paid on the application of the authorised agent of the state.

Having disclosed to the General Assembly fully my reasons for declining to appoint an agent to receive the money, the repetition of them now would be useless.

The communication of the acting Secretary of the Treasury, is herewith submitted, with the full assurance that the subject will receive the consideration due to its importance and magnitude.

I have the honor to be

Very respectfully,

Your obedient servant,

TH. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 1842

From the Journal of the House of Representatives, p. 74

EXECUTIVE DEPARTMENT, November 29, 1842.

To the Honorable the House of Representatives:

Gentlemen—The agents appointed to select the lands granted by Congress to this State, have reported the quantity of land selected in each land district, and have also reported the number of days themselves and surveyors were employed in the selection.

All of which I have the honor of communicating to your honorable body.

The amount selected is two hundred and eleven thousand acres.

I have the honor to be,

Very respectfully,

Your obedient servant,

TH. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 1842

From the Journal of the House of Representatives, p. 91

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 2, 1842.

To the Honorable the House of Representatives:

Gentlemen—I have received from the Cashier of the branch of the Bank of Missouri, at Fayette, the inclosed communication which I have the honor of submitting to your honorable body. Very respectfully,

Your obedient servant,

TH. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

DECEMBER 27, 1842

From the Journal of the House of Representatives, p. 200

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 27, 1842.

To the Hon. the House of Representatives:

Gentlemen—I have received a corrected calculation of the quantity of land selected in the Springfield district, from the agent for that district, which is herewith communicated to your honorable body. Very respectfully,

Your ob't serv't,

TH. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

JANUARY 2, 1843

From the Journal of the House of Representatives, p. 221

EXECUTIVE DEPARTMENT, January 2, 1843.

To the Honorable the House of Representatives:

Gentlemen—Inclosed you will receive certain resolutions of the General Assembly of Illinois, which I have been

requested to lay before your honorable body. The importance of the subject will commend itself to your consideration, without any remarks from me.

Very respectfully,
Your obedient servant,
TH. REYNOLDS.

TO THE SENATE

JANUARY 5, 1843

From the Journal of Executive Business in Senate Journal, p. 437

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 5, 1843.

To the Honorable the Senate:

Gentlemen—I hereby nominate William Scott to be Judge of the Supreme Court, and respectfully ask your advice and consent to his appointment.

Very respectfully,
Your obedient servant,
TH. REYNOLDS.

TO THE SENATE

JANUARY 5, 1843

From the Journal of Executive Business in Senate Journal, p. 438

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, January 5, 1843.

To the Honorable the Senate:

Gentlemen—I hereby nominate James W. Morrow to be Judge of the First Judicial Circuit, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your obedient servant,
TH. REYNOLDS.

TO THE SENATE

JANUARY 17, 1843

From the Journal of the Senate, p. 218

EXECUTIVE DEPARTMENT, January 17, 1843.

To the Honorable, the Senate:

Gentlemen—Your resolution requesting "the Governor to communicate to the Senate, the settlement made by the Auditor of all unadjusted transactions between the State, and the Bank of the State of Missouri, agreeably to the resolution of the last General Assembly, approved 11th February, 1841," was received this day, and in compliance therewith, I have the honor to communicate herewith a copy of that settlement. It may be proper to remark, that since the day of the settlement there has been paid to the Bank on account of interest, under the "act to issue State bonds to pay the State debt," the sum of $27,261.

Very respectfully,

Your obedient servant,

TH. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 1843

From the Journal of the House of Representatives, pp. 451-452

EXECUTIVE DEPARTMENT, February 14, 1843.

To the Hon. the House of Representatives:

Gentlemen—Messrs. Richmond & Brown, the Lessees of the Penitentiary, have presented to me the names of Oney Castarphan, Chapel Castarphan, John M. Ayres, Moses S. Haines, Nathan Ayres, John S. Brown, George Scroggin, Miller Thompson, Joseph Brown, Andrew M. Forbes, Samuel Druley, Jackson Quisenberry, Daniel L. Griffith, Absolem McVey and William Gerard, as securities

to their bond, under the act passed at the present session. The fourteen first named persons have made oath that they were worth fifty-seven thousand dollars after the payment of all their debts.

Mr. Gerard was unwilling to make affidavit as to his worth. I am satisfactorily informed by Mr. Fristoe, clerk of the Pettis circuit court, that the nine securities, who reside in that county, are worth from sixty to eighty thousand dollars, although, in making the affidavit, they have so far limited themselves, as to shew their worth to be only $27,000. I have construed the act passed by the Legislature, to require the securities to make affidavit that they were worth $100,000.

If I had considered any discretion had been left with me, the security offered would have been accepted, considering that the lessees have to renew their bond every two years.

I should consider the security amply sufficient, did I not feel myself restrained by the act. The lessees themselves are willing to make affidavit that they are worth $16,000.

Mr. Brown, one of the lessees, acted under the impression, that the securities would not be required to be worth the whole $100,000, but can, if a few days is allowed him, give security in that amount.

Under all the circumstances, I would suggest the propriety of the Legislature, either accepting the above tendered, or authorise Messrs. Richmond and Brown to take charge of the Penitentiary on the 16th instant, and give them further time, say six or eight days, to complete their bond.

I feel well assured that the lessees are acting in good faith, and that the security would have been obtained from the whole amount, but for the mis-interpretation of the act as above alluded to.

I communicate herewith the letter of Mr. Fristoe, relative to the security in Pettis county.

Very respectfully,

Your obedient servant,

TH. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1843

From the Journal of the Senate, p. 465

EXECUTIVE DEPARTMENT, February 16, 1843.

To the Hon. the House of Representatives:

Gentlemen—I had the honor of communicating to General Jackson, the resolutions of your honorable body, in relation to the celebration of the battle of the 8th January, 1815, and in reply, received from him the answer which accompanies this communication.

It is submitted in compliance with the wish of the General.

Very respectfully,
Your obedient servant,
TH. REYNOLDS.

TO THE SENATE

FEBRUARY 21, 1843

From the Journal of Executive Business in Senate Journal, p. 438

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 21, 1843.

To the Honorable the Senate:

Gentlemen—I hereby nominate James L. Minor to be Secretary of State for and during the remainder of the term for which I was elected to my present office, and until his successor shall be appointed and qualified, and respectfully ask your advice and consent to his appointment.

Very Respectfully,
Your obedient servant,
TH. REYNOLDS.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 1843

From the Journal of the House of Representatives, p. 510

EXECUTIVE DEPARTMENT, February 22, 1843.

To the Hon. the House of Representatives:

Gentlemen—The accompanying preamble and resolutions of the General Assembly of the State of Indiana, have been communicated to me, with the request, that I would submit them to the General Assembly of Missouri.

In compliance with that request I now communicate them to your honorable body, and ask for them your attentive consideration.

Very respectfully,
Your obedient servant,
TH. REYNOLDS.

TO THE SENATE

FEBRUARY 27, 1843

From the Journal of the Senate, pp. 420-421

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 27, 1843.

To the Honorable the Senate:

Gentlemen—I feel it to be my imperative duty to call your attention to the financial condition of the State, and respectfully to urge upon you the importance of providing the means necessary to enable the State to preserve her credit and good faith. Independent of the bonds authorised to be issued at the last session of the General Assembly, to meet the interest upon which, the means provided were largely deficient, the Legislature, at this session, have authorised an additional issue of bonds to near the amount of $254,000; the annual interest upon which will amount the sum of $30,820, while as yet no provision has been made

for the payment of a dollar of interest. Unless such provision is made, it can scarcely be expected that the bonds can be sold, or if sold, that the credit and good faith of the State can be preserved.

I would not have ventured upon these suggestions but for the fact that your session is now so near its close, and no provision made to meet the condition of things suggested.—It is the solemn duty of the State to meet its liabilities to its creditors punctually, especially to those from whom it borrows money; but this cannot be done without additional legislation before your adjournment, if the new bonds authorised to be issued shall be sold.

I am, very respectfully,

Your obedient servant,

TH. REYNOLDS.

PROCLAMATIONS

ON THE PURCHASE OF BONDS

MARCH 7, 1841

From the Register of Civil Proceedings, 1837-1852, pp. 129-131

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 7, 1841.

WHEREAS by an act of the last General assembly of the State of Missouri, entitled "an act to issue State bonds to pay the State debt" approved February 15, 1841, it is made the duty of the Governor of this State to execute and deliver to the Bank of the State of Missouri, the bonds of the State to the amount of two hundred and fifty three thousand two hundred and sixty one dollars, the proceeds of which shall be applied and appropriated to the following purposes, to wit:

One hundred thousand dollars shall be applied to refund to the said Bank that amount heretofore advanced by the Bank for the purpose of paying the Volunteers and Militia of the State:

Twenty seven thousand, two hundred and sixty one dollars shall be applied to pay interest due to the Bank from the State:

Eighty two thousand dollars to be applied to the payment of the volunteers and militia engaged in the Mormon and Osage Wars, and other expenses attending those disturbances, and which are still unpaid.

Nineteen thousand dollars to be applied to the payment of the volunteers and militia engaged on the disturbances on the border of Iowa, and other expenses attending those disturbances: and

Twenty five thousand dollars to pay for work on the State Capitol."

Each of the said bonds (except the fractional one) will be for five hundred dollars, and payable in gold and silver, at the City of Jefferson, at the Bank of the State of Missouri, in St. Louis, or in the cities of New York, Boston or Philadelphia, as may be agreed on at the time of negotiation: will be payable ten years after date, but redeemable five years after date, and bear interest at the rate of not exceeding ten per cent per year, payable semiannually. The money, so obtained under this act shall be deposited in the Treasury or in the Bank (in St. Louis) to the credit of the Treasurer.

AND WHEREAS also by an act of the General Assembly aforesaid, entitled "an act supplemental to the act passed at this Session of the General Assembly, entitled "an act to issue State bonds to pay the State debt" approved February 10th 1841, it is made the duty of the Governor of this State to execute and deliver to the Bank of the State of Missouri the bonds of the State to the amount of Twelve thousand dollars the proceeds of which shall be applied and appropriated to pay for work done or to be done on the Capitol of the State.

Each of these last named bonds will be for five hundred dollars, payable in gold and silver, at the City of Jefferson, at the Bank of the State of Missouri, or at any city in the United States, as may be agreed upon at the time of negotiation: Shall be payable ten years after date, but redeemable five years after date, and bear interest at the rate of not exceeding seven per cent per year, payable semiannually, at such place as shall be agreed upon.

NOW THEREFORE, in order that this department may ascertain what rate of interest said bonds shall bear

PROPOSALS

will be received until the first day of May next, at this Department, or at the Bank of the State of Missouri, in St. Louis, for the purchase of said bonds or any part thereof, on the terms above prescribed, and purchasers will distinctly state in their proposals, at what rate of interest and where

payable, they will take the said bonds or any part thereof issued in conformity with the foregoing act.

In Testimony Whereof, I, THOMAS REYNOLDS, Governor of the State of Missouri have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the
(L. S.) City of Jefferson, this Eighth day of March in the year of our Lord, one thousand Eight hundred and forty one, and of this State the twenty first.

By the Governor TH. REYNOLDS.
JAS. L. MINOR,
Secretary of State.

OFFERING A REWARD

MAY 11, 1842

From the Register of Civil Proceedings, 1837-1852, pp. 168-169

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON.

WHEREAS it has been represented to me that the Hon. Lilburn W. Boggs, (late Governor of this State) on the evening of Friday the 6th inst. at his residence in the Town of Independence in the County of Jackson was shot (supposed mortally) by some person unknown who is now going at large

NOW THEREFORE I THOMAS REYNOLDS, Governor of the State of Missouri do hereby offer a reward of *Three hundred dollars* for the apprehension and delivery to the Sheriff of Jackson County aforesaid, of the person guilty of the crime aforementioned.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this Eleventh day of May in the year of our

Lord one thousand Eight hundred and forty two of the Independence of the United States the Sixty-sixth and of this State the Twenty-second.

By the Governor TH. REYNOLDS.
JAS. L. MINOR,
Secretary of State.

ON PAYMENT OF LAND CLAIMS

MAY 16, 1843

From the Register of Civil Proceedings, 1837-1852, pp. 210-211

In pursuance of the provisions of the tenth section of an act of the General Assembly of the State of Missouri approved February 27, 1843, entitled "an act to provide for the selection and sale of the lands granted to this State by an act of Congress" approved September 4, 1841, I THOMAS REYNOLDS, Governor of the State of Missouri, do hereby give notice to all persons claiming preemptions (in the land district south of the Missouri river) under the act aforesaid, to prove and pay for the same, within twelve months from the date of this proclamation, at the land office in the town of Springfield, in the County of Greene, before the Register and Receiver of said office, who are now legally authorized to take proof of preemptions as aforesaid.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the
(L. S.) State of Missouri. Done at the City of Jefferson this Sixteenth day of May in the year of our Lord one thousand eight hundred and forty three.

By the Governor TH. REYNOLDS.
JAS. L. MINOR,
Secretary of State.

FIXING DATE FOR MEETING OF COMMISSIONERS OF SOUTHERN STATE BOUNDARY

SEPTEMBER 27, 1843

From the Register of Civil Proceedings, 1837-1852, p. 226

WHEREAS by an act entitled "an act to survey and mark out the Southern boundary line of this State" approved February 11, 1841, it is provided that if the State of Arkansas shall appoint a commissioner, on her part, then it shall be the duty of the Governor of this State to advertise, by public proclamation, the time and place of the meeting of the Commissioners: and WHEREAS I have received information that the said appointment of Commissioner has been made by the State of Arkansas.

NOW THEREFORE I THOMAS REYNOLDS, Governor of the State of Missouri, do hereby direct that the commissioners under the act aforesaid, meet at the town of New Madrid, in the County of New Madrid, on the tenth day of October next and then and there proceed to the discharge of their official duties.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of
(L. S.) Jefferson this twenty seventh day of September, in the year of our Lord one thousand eight hundree and forty three.

By the Governor TH. REYNOLDS.

JAS. L. MINOR,
Secretary of State.

ON THANKSGIVING

OCTOBER 16, 1843

From the Register of Civil Proceedings, 1837-1852, p. 230

WHEREAS it is considered right and proper that we should gratefully acknowledge the goodness of *God*, displayed

in the preservation of our lives, our civil and religious liberties, and our republican institutions, and for every blessing, temporal and spiritual, which we enjoy. AND WHEREAS the protection of the State from invasion, insurrection and intestine commotion, and the Citizen from pestilence and plague, equally demands a return of thanks to *Him*, whose arm has brought this protection.

NOW THEREFORE, under a full sense of obligation and duty, and in accordance with the request of various religious denominations, I THOMAS REYNOLDS, Governor of the State of Missouri, do by this my public proclamation recommend to the people of this State, that, without any distinction of sect, denomination or creed, they observe Thursday, the thirtieth day of November next, as a day of thanksgiving to Almighty God, for his favor extended to us nationally and individually.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the
(L. S.) State of Missouri. Done at the City of Jefferson this Sixteenth day of October in the year of our Lord, one thousand Eight hundred and forty three and of the State the twenty fourth.

TH. REYNOLDS.

By the Governor
JAS. L. MINOR,
Secretary of State.

MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

NOVEMBER 20, 1840

From the Register of Civil Proceedings, 1837-1852, p. 119

The Governor issued a writ of election directed to the Sheriff of Warren County directing him to order an election to be held in the said County for the choice of a Representative in the Eleventh General Assembly, a vacancy have been communicated as existing in said office, to the Governor by the Speaker of the House of Representatives. The Sheriff in said county was directed to cause the election to be held on the 5th day of December 1840, first giving ten days previous notice of the same.

DECEMBER 7, 1840

From the Register of Civil Proceedings, 1837-1852, p. 119

The Governor issued a writ of election directed to the Sheriff of Platte County, directing him to cause an election to be held, according to law, in said County, on Saturday the 26th inst. having given ten days previous notice thereof, for a Representative from said County in the Eleventh General Assembly of Missouri to supply the vacancy in said office occasioned by the death of David R. Holt Esq.

JUNE 14, 1841

From the Register of Civil Proceedings, 1837-1852, p. 143

The Governor offered a reward of Five hundred dollars for the apprehension and delivery to the lessees of the

Penitentiary of William H. Berry, William Rogers, William Johnson, John Callaghan, Thomas Finn, M. Boden, William Myers, and James Fugate, convicts in the said Penitentiary, who, after committing a murder on William Bullard, one of the overseers of the Institution, made their escape on this day. The aforesaid reward was for the apprehension and delivery of *all* the convicts, as aforesaid, or one hundred dollars of the same was offered for the apprehension and delivery as aforesaid of William H. Berry, and William Rogers, each principals in the said murder and fifty dollars, each, for the apprehension and delivery as aforesaid of the other convicts.

FEBRUARY 1, 1842

From the Register of Civil Proceedings, 1837-1852, p. 164

The Governor offered a reward of Three hundred dollars, for the apprehension and delivery to the Sheriff of Warren County of one William Mash, alias Billy Whiskers, alias Abbott Goddard, who was supposed to have committed a murder on the body of Doct. John Jones of said County on the 21st of January last, and who had fled from justice.

N. B. This reward was suspended, as the fugitive was apprehended before the proclamation issued.

FEBRUARY 2, 1842

From the Register of Civil Proceedings, 1837-1852, p. 164

The Governor offered a reward of one hundred dollars each for the apprehension and delivery to the lessees of the Penitentiary of four convicts, to wit, William Johnson, Marcus Boden, Martin Matthews and Clark Kellogg, who escaped from the said institution on this day and are going at large.

AUGUST 13, 1842

From the Register of Civil Proceedings, 1837-1852, p. 176

The Governor offered, by proclamation, a reward of one hundred and fifty dollars for the apprehension and delivery at the town of Steelville in Crawford County to the sheriff thereof, one John Taylor who was, at the July term of said court sentenced to be hung on the 19th Aug. inst. for the murder of S. D. Bowen in said County.

AUGUST 23, 1842

From the Register of Civil Proceedings, 1837-1852, p. 182

The Governor issued a proclamation offering a reward of one hundred and fifty dollars for the apprehension and delivery to the Sheriff of Cole County, of one James Bratten who was charged with shooting, on the 20th August 1842, with intent to kill, one Wm. Claybrooke, in the town of Russelville, in the County aforesaid, and with having fled from justice.

SEPTEMBER 12, 1842

From the Register of Civil Proceedings, 1837-1852, p. 184

The Governor issued a writ of election directed to the Sheriff of Bates County, commanding him after giving Twenty days notice thereof to cause an election to be held in said County on Monday the 24th day of October 1842, for the choice of a representative from said County in the next General Assembly of Missouri, to supply the vacancy occasioned by the resignation of Edward L. Chouteau, Esq.

SEPTEMBER 19, 1842

From the Register of Civil Proceedings, 1837-1852, p. 185

The Governor offered a reward of six hundred dollars, by proclamation, for the apprehension of delivery to the

Sheriff of Jackson County of Orrin Poter Rockwell and Jo Smith, the first of whom was charged with feloniously shooting with intent to kill Lilburn W. Boggs, and the other with being accessary before the fact to the said crime. Or three hundred dollars reward for the apprehension and delivery of either of them to the said Sheriff.

OCTOBER 11, 1842

From the Register of Civil Proceedings, 1837-1852, p. 189

The Governor issued a reward of one hundred and fifty dollars for the apprehension and delivery to the Sheriff of Cole County of John Gibson and Jefferson Gibson who were charged, the first with murder by him committed at the town of California, the County of Cole on Saturday the 8th inst., on the body of one Benjamin Coyle, and the other with being present aiding and abetting said crime. The fugitives were represented as being citizens of Kinderhook County.

DECEMBER 9, 1842

From the Register of Civil Proceedings, 1837-1852, p. 192

The Governor issued a writ of election, directing the Sheriff of St. Louis County, to cause an election to be held in said County, according to law, on Saturday Dec. 31, 1842, after giving 18 days notice thereof for a representative from said county to supply the vacancy occasioned by the resignation of Fredinand Kenneth Esq.

DECEMBER 23, 1842

From the Register of Civil Proceedings, 1837-1852, p. 198

The Governor issued a writ to the Sheriff of Cole County, directing him to cause an election to be held in the 29 Senatorial District of this State for a senator to supply

the vacancy occasioned by the resignation of Peter G. Glover, Esq. The writ directed the election to be held according to law on Wednesday January 11, 1843, after giving fourteen days notice of the time and place thereof.

DECEMBER 26, 1842

From the Register of Civil Proceedings, 1837-1852, p. 198

The Governor offered a reward of One hundred and fifty dollars for the apprehension and delivery to the Sheriff of Kinderhook County of Augustus Wolf and Robert Tune, who on the night of the sixteenth inst. escaped from the jail of Kinderhook County. Said Wolf was in custody on an enactment for killing one Proctor Cass, and said Tune, on two separate indictments, one for an assault with intent to kill, and one for perjury.

JUNE 12, 1843

From the Register of Civil Proceedings, 1837-1852, p. 228

The Governor, by proclamation, offered a reward of two hundred dollars for the apprehension and delivery to the lessees of the Penitentiary of Francis McGhee, Thomas Perry, William Pepper, William Johnson, and James Welch, who escaped, by violence, from the Penitentiary, on this day. A proportionate part of said reward was offered to be paid for the apprehension of any number of said convicts.

SEPTEMBER 23, 1843

From the Register of Civil Proceedings, 1837-1852, p. 225

The Governor issued a proclamation for proof of pre-emption of lands, in the district North of the Missouri river & East of Range line dividing ranges 17 & 18, at the land office at Edina, in the County of Scotland.

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